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COMMITTEE ON FOREIGN AFFAIRS

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Congress and Foreign Policy—1981

COMMITTEE PRINT

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FOREWORD

As Congress has continued to maintain an active role in the conduct of U.S. foreign policy, the need exists for a document summarizing congressional participation in this important area.

The Committee on Foreign Affairs provides summaries of its own activities in documents such as the annual "Survey of Activities" and the biannual "Legislative Review Activities" report. These documents, however, do not provide information in any comprehensive or analytical way about foreign-affairs-related activities of other House committees, the Senate, or the Congress as a whole. For this reason, since 1974, the Foreign Affairs Committee has requested that the Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress, prepare annual reports of actions taken by Congress which impact on American foreign policy.

It is hoped that this report will be of assistance to the committee and its members in reviewing the committee's legislative and oversight responsibilities, and that it will also prove to be a useful record to other committees and Members of Congress, as well as to scholars, the press, and the public.

This report is the work of the Foreign Affairs and National Defense Division in cooperation with other divisions of the Congressional Research Service, Library of Congress, and does not necessarily reflect the views of the members of the Committee on Foreign Affairs.

CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs.

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LETTER OF SUBMITTAL

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, D.C., June 25, 1982.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to send you "Congress and Foreign Policy, 1981," an analysis of the role of Congress in foreign policy during the 1st session of the 97th Congress. This is the eighth annual volume in this series that we have prepared at your request.

The volume focuses on the foreign policy areas that were of major concern to Congress or in which Congress clearly played a vital role in making foreign policy during the year. The introduction provides a summary analysis. Part I contains chapters on three important interactions between Congress and the President during 1981: Senate action on nominations, the attempt to exercise a legislative veto on the AWACS and F–15 enhancement package to Saudi Arabia, and passage of foreign aid legislation. Part II contains four chapters on geographic areas that were centers of congressional action: The Persian Gulf, Israel, Pakistan, and El Salvador.

Authors of individual analyses are listed at the beginning of each chapter. The volume was edited by Ellen C. Collier, specialist in U.S. foreign policy in the Foreign Affairs and National Defense Division. Carolyn C. Johnson was in charge of typing and production.

Sincerely,

GILBERT GUDE,
Director.

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INTRODUCTION: THE ROLE OF CONGRESS IN FOREIGN POLICY IN 1981*

President Reagan was the first President since Hoover to face a political division between the two Chambers of Congress, a Republican majority in the Senate and a Democratic majority in the House of Representatives. The split Congress tested the concept of a bipartisan foreign policy in a new way. Enacting legislation required bipartisan efforts between the House and Senate as well as between Congress and the President.

At the end of 1981, there was no lavish praise for bipartisanship, yet neither had there been any serious foreign policy embarrassments for the United States resulting from legislative-executive disagreements. The administration found enough support in Congress to accomplish most of its legislative objectives in foreign policy. At the same time, Congress challenged several administration decisions and was able to influence policy significantly in some areas.

There were two major public confrontations between the President and Congress. The Senate forced the President to withdraw the nomination of Ernest Lefever for Assistant Secretary of State for Human Rights and Humanitarian Affairs. The President prevailed in the sale of airborne warning and control system (AWACS) aircraft and F–15 enhancement package to Saudi Arabia.

There were also two major legislative achievements relating to foreign policy in 1981. The first of these, completion of foreign aid legislation for the first time in 3 years, demonstrated political skill in both branches. In this legislation, the administration and its supporters attempted, with only limited success, to lift some of the congressionally imposed restrictions on Presidential action. In turn, Congress also added new restrictions on military assistance to El Salvador.

The second major accomplishment was the passage of a defense appropriation of almost $200 billion intended to strengthen U.S. ability to deter Soviet thrusts throughout the world. Both branches and both parties shared the perception that increased defense expenditures were necessary. The congressional action was mainly to approve or modify Presidential requests. One of the major foreign policy implications of the defense budget stemmed from a reallocation of resources "somewhat away from the traditional theaters of Europe and Northeast Asia * * * and toward defense of Southwest Asia * * *."[1] The policy was not articulated until September and received little congressional attention.

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*Prepared by Ellen C. Collier, Specialist in U.S. Foreign Policy.

[1] U.S. Congress. House. Appropriations Committee. Subcommittee on Defense. Statement by Secretary of Defense Caspar Weinberger. Department of Defense Appropriations for 1982. Part 9, p. 8.

Advice and Consent on Appointments [2]

One of the important constitutional checks on the President is the requirement for Senate advice and consent to high appointments. The Founding Fathers clearly intended this check to apply particularly in the foreign policy field because they specified that "Ambassadors, other public ministers, and consuls," required confirmation, as well as other officers established by statute.[3]

Usually the Senate readily consents to the nominations forwarded by a new President, even if they reflect policy differences, in deference to the concept that he should choose his own team. In most cases in 1981, the Senate also readily approved President Reagan's choices. Delays that occurred were more often the result of differences within the President's party than between the two parties. Nevertheless, the year also proved that the confirmation power can be a decisive check and have an influence on the substance and process of foreign policy.

In a rare occurrence, the Senate Foreign Relations Committee formally voted against the nomination of Ernest Lefever to be Assistant Secretary for Human Rights and Humanitarian Affairs. In the past, the Senate Foreign Relations Committee has usually blocked foreign affairs nominations simply by not taking action on the nominations, which were then withdrawn by the President or returned to him at the end of the session. In the Lefever case, the administration pressed forward with the nomination, not withdrawing it until so requested after the negative committee vote.

At issue were not only the personal qualifications of the nominee but the human rights policy of the administration. Many believed the nominee would end the assertive human rights policy of the Carter administration and put less pressure on some rightwing authoritarian governments to change their human rights policies.

The rejection of the Lefever nomination clearly contributed to subsequent adjustments in the human rights policy of the administration. In November, after the Department of State issued a new statement of human rights policy, the second nominee to the position of Assistant Secretary for Human Rights and Humanitarian Affairs, Elliott Abrams, was readily confirmed.

An instance in which Senate confirmation action helped bring about a change in foreign policy machinery was the nomination of Thomas Pauken as Director of ACTION. The nominee was opposed by some Senators who felt his experience in intelligence work during the Vietnam war would cloud the mission of the Peace Corps, which was part of ACTION. Mr. Pauken was confirmed by the Senate, but discussion of the appointment helped lead to passage of a measure to separate the Peace Corps from ACTION as an amendment to the foreign assistance authorization for the year.[4]

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[2] For fuller discussion see chapter below, Nominations in 1981: Congress and the President's Team.

[3] U.S. Congress. Senate. Committee on Foreign Relations. The Senate Role in Foreign Affairs Appointments. Committee print.

[4] Sec. 601. International Security and Development Cooperation Act of 1981, Public Law 97–113.

Attempt To Exercise Legislative Veto on Saudi AWACS Sale[5]

A major confrontation between Congress and the President occurred in the fall when Congress nearly exercised its legislative veto to disapprove an arms sales package to Saudi Arabia. The package included AWACS aircraft and weapons and equipment to enhance the capability of F–15 fighter planes. The outcome was the same as in the attempt during 1980 to prevent issuance of a license for the export of nuclear fuel for the Tarapur facility in India. In both cases, the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the House of Representatives voted to disapprove the President's action. In both cases, the executive branch, with the President's personal participation, concentrated its campaign to defeat the veto in the Senate. In both cases, the Senate voted against the resolution of disapproval, thus allowing the President's policy to prevail.

The AWACS controversy extended over most of the year. Those opposed to the package contended it would threaten the security of Israel, a longstanding U.S. friend in the Middle East, and questioned the wisdom of relying on Saudi Arabia as a force for stability in the region. Opponents also objected because the Carter administration gave Congress assurances in 1978 that the offensive capability of the F–15 aircraft would not be enhanced.

Supporters of the administration held that the sale was vital to support U.S. interests in the Middle East and to meet Saudi defense requirements. They contended that rejection of the sale would seriously damage relations with Saudi Arabia and other moderate and conservative Arab States. In the last month of the debate, the administration increasingly emphasized that a congressional veto of the deal would impair both the President's credibility and his ability to conduct foreign policy. This argument, together with a Presidential letter of certification, appears to have been vital in securing the requisite margin of support for the proposed sale in the Senate.

On October 14, 1981, the House passed the resolution of disapproval by a vote of 301 to 111, marking the first time either House had voted to disapprove an arms sales proposal since the legislative veto was added to arms sales legislation in 1974. On October 28, the Senate rejected House Congressional Resolution 194, the resolution of disapproval, by a vote of 48–52, thereby clearing the sale. The final votes in both Houses were largely, although not entirely, along party lines. The sale was saved by the Senate, controlled by the President's party, although 12 Republican Senators had voted against it.

While Congress did not exercise the legislative veto, some believed that the threat to do so might have influenced policy. In bargaining to gain votes, the administration did not change the package's content, but the President did certify that a number of concerns would be met prior to delivery of the AWACS planes.

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[5] For a fuller discussion, see the chapter below, Arms Sales to Saudi Arabia: AWACS and the F–15 Enhancements.

Cooperation To Complete the Foreign Aid Legislation [6]

During 1981, the administration gave high priority to the passage of the President's economic program that called for reduction in Federal spending (except in the national defense.) With the call for cuts in domestic programs, the future of the foreign assistance program was in doubt. Even before President Reagan's economic program, foreign assistance legislation had difficulty passing Congress; for the 2 previous years, foreign aid had been financed through continuing resolutions.

Near the end of the first session, Congress passed a 2-year authorization for foreign aid and an appropriations bill for fiscal year 1982. Congress authorized the level requested by President Reagan in the revised September budget, and it reduced the appropriations he requested by a relatively small amount. The Omnibus Reconciliation Act of 1981 contained an authorization for payment to the Sixth Replenishment of the International Development Association of $3.24 billion over a 4-year period. It also contained authorization for payment of $1.43 billion to the World Bank and other multilateral development banks, and authority for $8.1 billion in callable subscriptions to the World Bank. These authorizations made it the highest single U.S. commitment ever to multilateral development banks.

Both the executive and legislative branches demonstrated considerable political skill in writing and securing passage of the legislation.

The administration aimed its plan at satisfying foreign aid proponents and attracting new supporters. For those already convinced of the value of foreign aid, the plan included modest increases in bilateral economic aid and funding for multilateral economic aid through the World Bank and its soft loan affiliate, the International Development Association. To attract Members who were skeptical of foreign economic aid, the administration requested a larger share than the previous year for security assistance.

In 1981, Congress, for the second time, used a reconciliation procedure in conjunction with the first budget resolution. House Concurrent Resolution 115, the first budget resolution for fiscal year 1982, directed committees to report changes in law to reduce spending. This process intensified competition for funds among various committees and between domestic and foreign programs early in the year. Many feared foreign aid might lose in the process, but in both the Senate and the House, the foreign policy committees were technically able to meet their requirements for reductions while providing the foreign assistance level they deemed advisable. Moreover, by inserting the authorization for the U.S. contribution to the International Development Association in the Omnibus Reconciliation Act, the House Banking Committee, with leadership backing, avoided a separate vote on the issue.

House Foreign Affairs Committee Chairman Clement Zablocki insisted on active administration support in getting the bilateral aid

[6] For fuller discussion, see chapter below, Congress and Foreign Aid: the Politics of 1981.

authorization bill through Congress. He said that he would not take the measure to the floor until he had a list of 125 Republicans who would vote in favor of it. In the end, 97 Republicans voted for the foreign aid bill, nearly twice the number that had supported a foreign aid authorization the year before.

Similarly, Speaker O'Neill said he would get the foreign assistance appropriations bill to the House floor by December 15, but it would be up to President Reagan to garner enough Republican votes to guarantee passage. Democratic supporters in the House also threatened to vote against the appropriations bill if development assistance were reduced substantially more than military assistance.

Former critics of foreign aid called on their colleagues to look past the economic programs with which they disagreed and support the appropriations bill because it contained military assistance that was an important part of the President's foreign policy. Again, Republicans joined Democrats to pass the measure.

The Senate also took unusual steps in the process. Appropriations bills customarily originate in the House, a practice stemming from the requirement in the Constitution that all bills for raising revenue originate in the House.[7] Nevertheless, in an unusual move, the Senate Appropriations Committee reported and the Senate passed its foreign assistance appropriations bill, without waiting for the House. The Senate measure, which was nearly identical to the President's revised budget proposal, was part of a strategy to establish Senate foreign aid funding levels prior to a conference on a second continuing resolution.

Attempts To Remove Restraints on President

The Reagan administration tried to secure removal of some foreign policy restraints that Congress had placed on the Presidency in recent years, particularly those amendments prohibiting or limiting military assistance to Angola, Pakistan, Chile, and Argentina.

During consideration of the foreign aid legislation, Presidential supporters did not raise the issue of Angola after House Democrats threatened to vote against the legislation if it removed the Clark amendment which prohibited assistance to factions in Angola except with congressional authorization. The Clark amendment remained intact.

Congress authorized military assistance to Pakistan but maintained the restraints against assistance to countries conducting certain nuclear activities. Both the House Foreign Affairs and Senate Foreign Relations Committees defeated resolutions to disapprove the sale of 40 F–16 fighter planes to Pakistan. Congress authorized the President to waive section 669 of the Foreign Assistance Act, which prohibited aid to nonnuclear weapons states that acquired nuclear enrichment equipment unless the President certified that he had obtained reliable assurances that the country would not develop nuclear weapons.[8]

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[7] U.S. Constitution, art. I, sec. 7.

[8] For a fuller discussion of U.S.-Pakistani relations during 1981, see chapter below: Congress and Arms Sales and Security Assistance to Pakistan.

The waiver applied only to Pakistan and only for the 6-year period contemplated for the aid package. Moreover, while allowing a waiver in Pakistan's case, the Congress strengthened the constraints imposed by both section 669 and a companion nonproliferation provision, section 670. It expanded the list of activities that would result in a prohibition of U.S. aid and gave Congress greater power to overrule Presidential certifications that would permit the continuance of aid under special circumstances.

Finally, Congress repealed the prohibitions against military assistance to Argentina and Chile but made such assistance conditional on Presidential certifications that the Governments of Chile and Argentina had made significant progress on human rights. Section 725 of Public Law 97–113 called upon the President to take into account Argentine efforts to provide information on citizens identified as "disappeared" and to release or bring to justice prisoners held at the disposition of national executive power. Section 726 required Presidential certification of progress by Chile on human rights to include that the Chilean Government was not abetting terrorism and had taken steps to bring to justice those indicted by a U.S. grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt in Washington, D.C., in 1976.

New Restraints on Aid to El Salvador[9]

In early 1981, the Department of State announced the dispatch of additional U.S. military advisers to El Salvador to aid the government against an expanding guerrilla warfare. Congress, in December 1981, authorized both economic and military assistance to El Salvador, but placed new conditions on the military assistance. The foreign assistance legislation required the President to certify 30 days after enactment and every 6 months thereafter that the Government of El Salvador was (1) making a concerted effort to comply with human rights standards; (2) achieving substantial control over its armed forces so as to bring an end to indiscriminate violence by these forces; (3) making continued progress in essential political and economic reforms; and (4) moving to hold free elections at an early date. Without such certification, the President was to suspend military assistance and order the withdrawal of military advisers.[10]

Contending that the dispatch of troops to El Salvador required the President to report under the War Powers Resolution, 11 Members of Congress filed a lawsuit against the President in the U.S. District Court for the District of Columbia.[11] Other Members filed a motion to intervene, stating that other legislative remedies, such as refusing authorizations and appropriations for assistance to El Salvador, rather than judicial interference, should be used to remove U.S. personnel from El Salvador. The case was not decided in 1981.

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[9] For fuller discussion, see chapter on Congress and El Salvador.
[10] Sec. 728 of Public Law 97–113.
[11] *Crockett* v. *Reagan,* civil action No. 81–1034, in the U.S. District Court for the District of Columbia.

Defense Appropriations and the Middle East [12]

For the third consecutive year, Congress made an impact on U.S. foreign and military posture by passing an increased defense budget designed to improve the military strength of the United States as compared to the Soviet Union. The defense budget primarily affected relations with the Soviet Union and U.S. European allies in the North Atlantic Treaty Organization. It also began to give substance to a strategy aimed at improving U.S. capability to intervene militarily in the Persian Gulf area, a plan that had its origins in the "Carter Doctrine" and was continued and developed by the Reagan administration. During 1981, Congress supported most of the components proposed to build such a capability, but did not clearly address the basic questions of (1) whether it agreed in essence to a new military commitment for the United States; and (2) whether any commitment of this nature should be made without the explicit authorization of Congress.

Nevertheless, congressional attention frequently focused on the Middle East in 1981 because of a series of crises.[13] The area received the major portion of U.S. foreign aid. In addition, Congress authorized U.S. participation in the Multinational Force and Observers (MFO), an international peacekeeping force to patrol a buffer zone in the eastern Sinai following an Israeli withdrawal scheduled for April 1982 in accordance with the peace treaty with Egypt. Congress indicated its intention to watch administration actions in the region closely through a provision in the MFO authorization calling attention to the war powers resolution. The provision was aimed at making clear that the authorization applied only to the use of troops for the specific purpose of the peacekeeping force.[14]

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[12] See chapter on Congressional Role in Shaping the U.S. Capability to Intervene Militarily in the Middle East.
[13] See chapter on Congress and U.S. Policy toward Israel.
[14] Public Law 97–132.

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Part I. Defining Congressional and Executive Roles in Making Foreign Policy

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PART I. DEFINING CONGRESSIONAL AND EXECUTIVE ROLES IN MAKING FOREIGN POLICY

Part I contains analyses of three important foreign policy interactions between the President and Congress in 1981 and seeks to explore the dynamics of the relationship between the two branches in the making of foreign policy.

The first chapter discusses the congressional role in establishing a new administration through the Senate's advice and consent function in the making of appointments. The nomination for Assistant Secretary of State for Human Rights and Humanitarian Affairs led to a legislative-executive foreign policy confrontation and the first formal Senate Foreign Relations Committee rejection of a nominee in recent history.

The second chapter deals with another major foreign policy confrontation between the President and the Congress, the sale of an arms package to Saudi Arabia that included airborne warning and control systems aircraft (AWACS) and equipment to enhance the performance of F–15 fighter planes sold in 1978.

The third chapter discusses the foreign aid bill, a major legislative instrument which regularly provides Congress with opportunity to shape foreign policy. Three important foreign policy effects of the aid legislation—on El Salvador, Pakistan, and U.S. relations with Israel—are discussed in separate chapters in part II.

An interesting transaction not covered in this volume was the authorization and appropriation of funds for the Department of State and other foreign affairs agencies. In contrast to foreign aid, on which Congress completed appropriation legislation for the first time in 3 years, Congress for the first time did not complete authorization and appropriation legislation for the State Department. Funding was extended to fiscal year 1982 by a continuing resolution. A number of directives and limitations voted on by the House or the Senate could not take effect until passage of the authorization legislation. For example, both the House and Senate voted on measures relating to the U.S. contribution to a program of the U.N. Educational, Scientific, and Cultural Organization (UNESCO) that some feared might infringe on the freedom of the press. In addition, they also voted to make U.S. passports valid for 10 years instead of 5 years. Lack of completed action on this measure was significant because, next to the foreign aid legislation, the State Department authorization bill is probably the vehicle used most regularly by Congress to influence foreign policy.

The House Foreign Affairs Committee reported the Department of State authorization bill (H.R. 3518) on May 19, providing for an authorization of $3.1 billion for fiscal year 1981 and $3.6 billion

for fiscal year 1982 for the Department of State, the International Communication Agency, and the Board for International Broadcasting. The committee increased the amount requested by the administration by 17 percent to allow for inflation, stating in its report that the State Department was the only Cabinet department to have reduced positions since 1959.[1] In floor action the House first cut the committee request by $496 million, and then rejected the entire bill by a vote of 165 to 226 on September 17, 1981. On May 12 the House Foreign Affairs Committee reported H.R. 4814, a bill that incorporated the provisions of H.R. 3518, as amended by the House, and reflected the administration's September revised budget estimate.

Meanwhile, the Senate Foreign Relations Committee reported its corresponding authorization bill, S. 1193, on May 15, and the Senate passed the measure on June 18. Substituting its own text, the House passed S. 1193 on October 29 and the measure went to conference. The conference had not reported the bill by the end of the year when the first session ended.

The original defeat of the measure in the House was attributed in part at least to the reluctance of Members to vote for money for programs related to foreign countries in a year in which domestic spending was being drastically cut. Representative Fascell, chairman of the Foreign Affairs Subcommittee on International Operations, said, "We all knew from January * * * that any foreign aid, anything that had the name 'foreign' on it, was in trouble." [2]

Another problem related to a provision to create an Office of Foreign Missions in the State Department. The House Foreign Affairs Committee report of May 19, 1981, provided that issues concerning the location of foreign missions in the District of Columbia should be settled by the National Capital Planning Commission. The House Committee on the District of Columbia, to which the bill was sequentially referred, called for deletion of this section because it claimed jurisdiction.[3] The House adopted a compromise advanced by Representative Fascell to create an independent District of Columbia Foreign Missions Commission. The measure was awaiting conference action at the end of the year.

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[1] H. Rept. 97–102, pt. 1.
[2] Congressional Quarterly, Weekly Report, Sept. 26, 1981, p. 1827.
[3] H. Rept. 97–102, pt. 2, p. 3.

NOMINATIONS IN 1981: CONGRESS AND THE PRESIDENT'S TEAM*

Overview

For a variety of reasons, the Senate played a somewhat more contentious role in 1981 than has been customary in recent years in reviewing the qualifications of and confirming the President's nominees to senior foreign policy positions. The events of 1981 in this field reflected both divisions within the Republican Party and traditional aspirations for autonomy on the part of the legislative branch.

In the final analysis, the Senate forced the withdrawal of only one foreign affairs nomination, ultimately acquiescing in all the President's other choices. The overwhelming rejection by the Foreign Relations Committee of Ernest Lefever for Assistant Secretary of State for Human Rights and Humanitarian Affairs may subsequently have been interpreted by the administration as a warning against taking a chance on "toughing it out" in a fight on the floor. Senator Nancy Kassebaum, who originally supported the nomination in the Foreign Relations Committee, but subsequently voted against it, observed that Lefever had become a "lightning rod" for critics of the administration's change of emphasis on human rights policy, and had therefore "lost the ability to function effectively as an Assistant Secretary of State." [1]

The Foreign Relations Committee's formal rejection of a Presidential nominee could thus be interpreted as a consequence of the political inexperience of a new administration that early had become accustomed to having its way with Congress. The administration may have thought that a Republican majority in the Senate would help to insure victory regardless of a nominee's shortcomings. Ernest Lefever surely was not the first Presidential foreign affairs nominee that had been found wanting by a Foreign Relations Committee. But, in most previous cases, administrations had not forced the committee to go on record formally with their opposition. They had either withdrawn problem nominations before they could be rejected or allowed matters to lapse, later putting forward the name of a more suitable candidate, rather than risk the embarrassment of a formal vote of rejection. In this instance, the administration learned something of the extent to which Congress can and will influence the appointment process when the prevailing sentiment is that the President has nominated a candidate with irretrievably flawed credentials.

The debate over the Lefever nomination may also have provided the Foreign Relations Committee an opportunity to indicate clearly

*Prepared by Joel M. Woldman, Specialist in U.S. Foreign Policy.

1 "Lefever Withdraws after Committee Vote." Congressional Quarterly Weekly Report, June 6, 1981, p. 985.

to the administration that the majority of committee members felt the change in human rights policy exemplified by the statements and actions of the nominee were not in accord with their desires. The President's subsequent nominee for the position was easily confirmed after the Department of State announced a more moderate position on the role of human rights as a consideration in the making of U.S. foreign policy.

In an unrelated nomination, the Vietnam war intelligence experience of the President's choice for ACTION Director, Thomas Pauken, was the catalyst for the decision by Congress to separate the Peace Corps from its parent agency. The step was opposed by the White House, but approved in 1981 by both the Republican-dominated Senate and the Democratic-majority House of Representatives. Pauken was ultimately confirmed by the Senate as Director of ACTION, though his candidacy had been strongly opposed by minority whip Senator Alan Cranston and other Democrats.

With the exception of these two actions, the Senate continued in 1981 to play its customary role of confirming the President's choices of senior officials to administer his foreign policy, even when, as in the case of Justice William Clark, influential members of the President's own party had misgivings over the candidate's qualifications.

The additional significance of the appointment process as a source of leverage whereby individual members can wield power greater than the single vote they cast in committee and on the floor, however, was clearly demonstrated this year. Senator Helms, by placing "holds" on and submitting numerous written questions to nominees, did not halt the confirmation of any candidates; nevertheless, he was able to make his views and concerns widely known and to remind the administration emphatically of his interpretation of the character of mandate that Reagan had won in 1980.

The Nomination Mechanism and Its Place in the Foreign Policy Process

The Constitution provided for congressional input into the appointment process in article II, section 2, paragraph 2:

> [The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls * * *

For the purposes of assessing the significance of the confirmation power in the foreign policy process during 1981, this chapter considers President Reagan's nominations for the Secretary, Deputy Secretary, Under Secretary, and Assistant Secretary positions in the Department of State; the Directors of ACTION and the Arms Control and Disarmament Agency (ACDA); the Chief U.S. Strategic Arms Limitation Talks (SALT) Negotiator; and the Director and the Deputy Director of the Central Intelligence Agency. Except for the latter two positions, which were reviewed by the Senate Intelligence Committee, the Senate Foreign Relations Committee was the focus of decisionmaking and its actions in this field will therefore be the primary focus of this chapter.

Review of Presidential nominations provides the Senate an opportunity to make the nominees aware of congressional viewpoints and a

chance to raise sets of policy questions that might otherwise not receive public scrutiny. It can also serve to demonstrate to an administration the risks of nominating questionable aspirants and supporting policies opposed by a majority of Senators.

There was considerable controversy in 1981 as the new administration attempted to nominate to senior positions individuals considered unacceptable by various influential members of the Foreign Relations Committee on both sides of the aisle.

Members of the committee appeared to be most influenced by three major considerations for confirmation—substantive competence, personal integrity or suitability, and policy views acceptable to a majority of members, as well as a general desire to permit a new President to select his own team. Questions of expertise are sometimes raised in connection with the naming of political appointees, especially personal friends and/or longtime associates of the President who may appear to lack substantive knowledge of the issues over which they will be exercising policy judgment. Personal integrity is seldom questioned, perhaps because it is assumed that the background of the nominee has already been scrutinized before the President had decided to announce the nomination. Such questions arose as a serious issue in connection with one of the nominees and ultimately contributed to his rejection by the Foreign Relations Committee in 1981. The criterion of policy views caused problems only in the case of Ernest Lefever.

In fact, the congressional role in the foreign affairs appointment process has traditionally been a limited one. Since most Members wish to approve the President's choices, serious senatorial scrutiny and interrogation, even when they lead to eventual confirmation, can provide the President with warning signals that his nominees or the policies they espouse, may face serious problems ahead. There were several interesting developments in this regard during 1981 and they will be discussed below in detail. In sum, however, it is still unclear whether 1981 was a year of significant change or merely one of atypical developments.

The Nomination of Gen. Alexander M. Haig, Jr., as Secretary of State

General Haig's was the first Reagan foreign affairs nomination sent to the Senate and the confirmation hearings were begun on January 9 before the new administration had taken office. There was a divergence of opinion within the Senate Foreign Relations Committee along party lines, with most questions on the choice posed by members of the new, post-election Democratic minority. The Democrats questioned Haig as to his views on former President Nixon's alleged abuses of power. Attempting to gain access to still restricted Watergate tapes to clarify Haig's role during the last months of the Nixon administration, the Democrats insisted that the committee subpoena an index of tape recordings made in President Nixon's office between May and July 1973, when Haig was advising Nixon as White House Chief of Staff. They had originally insisted on subpoenaing the actual tapes, but the Repub-

lican majority opposed this initiative. Finally, the Senate Republican leadership defused the effort through parliamentary maneuvering and postponement. The committee voted 11–6 on February 24 to forgo any attempt to examine the recordings in the face of legal objections raised by Nixon and the refusal by the National Archives to release the material under the terms of the Presidential Recordings and Materials Preservation Act (Public Law 93–526).

Senators Paul Tsongas, Paul Sarbanes, and Joseph Biden pressed Haig for 45 minutes on the second day of the hearings to render a value judgment on the abuses of power during the Nixon Presidency. He resisted doing so at first, but later the same day, read a prepared statement in which he termed the Watergate break-in and coverup improper, illegal, and immoral, as well as an affront to fundamental American values.

After probing questioning by Democrats about his role in the Watergate affair, Haig's testimony convinced all but the most confirmed critics that he was qualified for the position on the grounds of both substantive competence and personal integrity. He appeared to demonstrate a clear grasp of foreign policy issues, both in his 20-page prepared statement and in his answers to questions on a variety of foreign policy subjects over an unusually protracted 5 days of hearings. Haig also apparently changed the minds of some skeptical Senators, with his firmly stated convictions on how to deal with many of the international issues facing the United States. Thus, he was persuasive with respect to all three criteria of competence, suitability, and acceptable policy views.

Moreover, the Republican majority was united behind him. Despite earlier expressions of concern over his nomination, ultimately only two Democrats voted against Haig's confirmation in committee. The final committee vote on January 15 was 15–2. On the floor, a vote was taken January 21 and Haig was easily confirmed 93–6.

The William P. Clark Nomination as Deputy Secretary of State

There was also a difference of opinion within the Foreign Relations Committee over the President's nomination of California Supreme Court Justice William P. Clark because of the nominee's obvious lack of foreign policy experience. The choice was criticized by both Republicans and Democrats. Clark's previous government experience was as a California supreme court justice, appointed by then-Governor Reagan after serving as Reagan's chief of staff during his first term in Sacramento.

The position of Deputy Secretary of State was relatively new, created only in 1971, under the Nixon administration, to provide the Secretary a "chief of staff" or deputy responsible for running the Department. Nevertheless, recent Deputy Secretaries, such as Warren Christopher, have had significant influence on foreign policymaking and play roles beyond those of the administrative or coordinating nature often assumed to be their primary areas of responsibility.

At Clark's confirmation hearing on February 2, he demonstrated wide gaps in his knowledge of geopolitics and foreign policy in gen-

eral. In addition, he was evasive in many of his responses, and appeared to have an unclear conception of some of the responsibilities connected with the position. Clark's lack of substantive knowledge clearly bothered many of the Democratic questioners, but party line voting by the Republicans (plus one Democratic "aye") on February 3 produced a clear 10–4 majority in favor of the President's nominee, with three Democrats voting "present."

Even though widely reported in the press as privately skeptical of the nomination, Foreign Relations Committee chairman, Senator Charles Percy, voted for Clark despite his poor performance during the confirmation hearings, arguing that the position was largely administrative and did not necessarily require prior foreign expertise. Senator Percy later noted his "tendency is always to support the nominee of the President if at all possible." [2] Nevertheless, he was also quoted in the press as being angry at the President's selection of Clark, remarking, "Never again can we accept a man who professes to have no knowledge in the area for which he has been nominated." [3]

Clark may have been confirmed by the committee because he met the criterion of suitability, even though he did not appear to be substantively competent. Arguably, at least, his position did not seem to require competency in the same sense as the other appointments. Moreover, Clark made no effort during the questioning to downplay his relationship with the President and his expectation of improving communication between the State Department and the White House, citing problems in this regard during the Carter administration. He was confirmed by the Senate 70–24 on February 24.

Nominations Opposed by Individual Members of the Committee

There were other nominations to which objections were raised by Senator Jesse Helms reportedly on the basis that the persons nominated were questionable supporters of the Reagan foreign policy (as enunciated during the 1980 Presidential campaign and understood by Helms). Speculation in the press indicated that some unnamed senior White House officials also may have had reservations about individuals chosen by Haig to fill a number of key State Department posts. Haig had become familiar with many of them while working as Henry Kissinger's deputy under Presidents Nixon and Ford. In fact, Helms was quoted in a press interview as calling these nominees "Kissinger retreads." [4] At any rate, although most had reportedly been selected by Haig in the first weeks of the new administration, the White House delayed sending the nominations to the Senate for several weeks and the nominees performed their respective duties at the State Department as paid consultants.

In the Department of State, the nominees in this category included:

(1) Chester Crocker, as Assistant Secretary for African Affairs—a former Nixon NSC staffer and an African affairs specialist;

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[2] McPherson, William. Charles Percy: Can a Boy Who Lives in Georgetown Still Wow 'em in Peoria? Washington Post Magazine. Oct. 25, 1981, p. 19.

[3] Goshko, John. A Quick Study. Washington Post. Dec. 14, 1981, p. A4.

[4] Quoted in Whittle, Richard. "Helms Loses Committee Test on Nominees." Congressional Quarterly Weekly Report, May 2, 1981, p. 755.

(2) Myer Rashish, as Under Secretary for Economic Affairs—a leading economic consultant who had served in many Democratic administrations and in a private capacity since 1963;

(3) Robert D. Hormats, as Assistant Secretary for Economic and Business Affairs—a former Nixon/Ford NSC staffer and State Department official (Deputy Assistant Secretary in the same bureau);

(4) Thomas O. Enders, as Assistant Secretary for Inter-American Affairs—a career Foreign Service officer (FSO) with high-level foreign policy experience during the Nixon and Ford administrations (Ambassador to Canada);

(5) Lawrence W. Eagleburger, as Assistant Secretary for European Affairs—a career Foreign Service officer, former colleague of Secretary Haig's on the National Security Council before being appointed a chief Kissinger deputy at the State Department, and former U.S. Ambassador to Yugoslavia; and

(6) John H. Holdridge, as Assistant Secretary for East Asian and Pacific Affairs—a career FSO who had served in that bureau during the period the Nixon administration first established ties with the People's Republic of China and was later Deputy Chief of the U.S. Liaison Office in Peking prior to the opening of official diplomatic relations.

Senator Helms had made clear his unhappiness with these six nominees well before their names were formally submitted to the Senate by President Reagan. On April 24, he took the additional step of writing Chairman Percy a 10-page letter outlining his objections to the nominations, especially those of Chester Crocker, Myer Rashish, and Robert Hormats. In it, he denied that he had delayed their consideration by the committee. He wrote, "The 'holds' I have placed on the names of possible nominees * * * were to alert the Secretary of State and the White House of questions in my mind." [5]

The situation came to a head April 28 when the Foreign Relations Committee favorably reported the Crocker, Rashish, and Hormats nominations by votes of 16–0, in the absence of Senator Helms. Helms then dropped his opposition to Hormats, but held up Senate floor action on Crocker and Rashish until they answered his written questions (107 for Crocker and 129 for Rashish) submitted the day before the Foreign Relations Committee vote.

On May 5, the committee approved both Holdridge (11–1) and Eagleburger (12–1) and the full Senate confirmed Hormats 96–0. All the other nominees in this category were ultimately confirmed, including Crocker on June 9, by a Senate vote of 84–7; Enders, June 19 by voice vote; and Rashish, June 11, by 91–4.

Other nominations to which objections were raised by various members of the Foreign Relations Committee were those of Thomas W. Pauken as Director of ACTION and Eugene V. Rostow as Director of the U.S. Arms Control and Disarmament Agency (ACDA), and Lieutenant General Rowny as chief U.S. strategic arms limitation talks negotiator (Special Representative for Arms Control and Disarmament).

[5] Ibid., p. 756.

Because ACTION—which included the Peace Corps—is also a domestic agency, two committees shared oversight jurisdiction in the Senate—Labor and Human Resources, and Foreign Relations. Prior to consideration of the Pauken nomination by Foreign Relations, it had been unanimously approved by the Labor Committee.[6]

But in the Committee on Foreign Relations, Senator Cranston and others raised the question of Pauken's Vietnam war intelligence background during the 1960's. Although no one questioned Pauken's fitness for the position of ACTION Director per se, many expressed misgivings because of the longstanding Peace Corps prohibition on any connection with intelligence-gathering activities that might compromise the Peace Corps, a constituent part of ACTION, and its volunteers. On the other hand, Pauken and his supporters denied that his intelligence assignment was of any special significance, arguing that it did not, in fact, violate the letter of internal ACTION regulations in this connection and that he was in all regards highly qualified to lead ACTION, including the Peace Corps.

The committee approved Pauken for the position by the fairly narrow margin of 10–7 on April 1, but his nomination and the questions it raised clearly had a major impact on the subsequent congressional initiative to sever ties between the Peace Corps and ACTION. By way of contrast, Mrs. Loret Miller Ruppe, the President's nominee as Peace Corps Director within ACTION, had no such problem credential in her background. She was easily confirmed by both the Foreign Relations Committee on April 28, 16–0, and by voice vote on the Senate floor on May 7. For that matter, Pauken was also confirmed as ACTION head by the Senate the same day.

Clearly related to the dispute as to Pauken's suitability was the separation of the Peace Corps from ACTION. Language to that effect proposed by Senator Cranston was approved as an amendment to S. 1196, the International Security and Development Cooperation Act of 1981 (foreign assistance authorization), passed in the Senate on October 22, 1981. Similar wording was included in the final version of the act passed by the House, H.R. 3566, on December 9 and signed into law by the President in Public Law 97–113 on December 29, 1981.

Another less controversial nominee, Eugene V. Rostow, widely considered to be a political conservative, was named by the President to head the Arms Control and Disarmament Agency, yet this choice was allegedly opposed by conservatives in the Senate. The fact that Rostow had supported U.S. involvement in Vietnam when he served in the Johnson administration as Deputy Secretary of State for Political Affairs (1966–69), was a founder and chairman of the Committee on the Present Danger, and supported Reagan for the Presidency in 1980 were apparently insufficient evidence that he shared the views of his conservative critics. At the same time, his political views also were disapproved of by many liberals. Nevertheless, Rostow was approved by the Foreign Relations Committee on June 23 and confirmed by the Senate by voice vote on June 25.

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[6] U.S. Congress. Senate. Committee on Foreign Relations. Nomination of Thomas Pauken. Exec. Rept. No. 97–6. Apr. 7, 1981. Washington, U.S. Government Printing Office, 1981, p. 1.

In addition, liberals were unhappy with the President's nomination of Lt. Gen. Edward Rowny, a declared opponent of SALT, as chief U.S. strategic arms talks negotiator. Although Rowny had helped negotiate the SALT II treaty for the Carter administration, he was later critical of the agreement. Rowny's nomination was interpreted by some observers as a quid pro quo to conservatives in order to get the Rostow nomination approved. Whether or not this interpretation was accurate, Rowny was approved by the committee on July 14 and confirmed by the Senate by voice vote July 27.

The Nomination of Ernest W. Lefever as Assistant Secretary of State for Human Rights and Humanitarian Affairs

The Lefever nomination was the most controversial of the President's foreign affairs choices. The nominee was an ordained minister who, while a pacifist early in his career, later became a conservative scholar of ethics and foreign policy. He founded the Center for Ethics and Public Policy in the late 1970's and was clearly on record as opposing the human rights policy favored by the Carter administration. He had, for example, publicly attacked the tactic of using foreign assistance and public criticism to influence repressive regimes such as those in South Korea, South Africa, and the former Governments of Iran and Nicaragua, that are or were anti-Communist and have sided with the United States in East-West conflicts. Lefever favored instead what he called "quiet diplomacy" over the more assertive policies followed by the Carter administration. Moreover, taking a position favored by other Reagan administration officials, such as United Nations Representative Jeane J. Kirkpatrick, he drew what some critics subsequently called an artificial distinction between "totalitarian" left-wing regimes and "authoritarian" governments of the right, claiming that the latter should not receive the same kind of pressure from the United States because there was hope that their objectionable domestic policies could be changed from within.

The issue of his personal integrity and suitability was exacerbated by his evasive and contradictory responses to questioning in committee. Senators pressed Lefever as to both his views on the role of human rights in foreign policy in general and past contributions from the Nestle Corp., to his Ethics and Public Policy Center.[7] It had been charged that the center accepted large financial contributions from Nestle after initiating a study favorable to Nestle's controversial sales of infant formula in developing countries, yet he appeared inconsistent in his explanation of this episode. In addition, he was alleged to have told Senator Percy during a private meeting prior to the hearings that opposition to his nomination was being "orchestrated by Communist sources,"[8] although he later denied having said that.

When the committee on June 5 voted 13 to 4 to reject Lefever's confirmation, the opposition included Chairman Percy and some Republican members who usually supported the President. For the first time in

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[7] U.S. Congress. Senate. Hearings. 97th Con., 1st sess., on nomination of Ernest W. Lefever, to be Assistant Secretary of State for Human Rights and Humanitarian Affairs, held May 18, 19, June 4, and 5, 1981. Washington, U.S. Government Printing Office, 1981, pp. 151–181, 363–371, 441–446, 450–457.

[8] Whittle, Richard. Lefever Nomination Sparks Rights Debate. Congressional Quarterly Weekly Report. May 23, 1981, p. 899.

recent history,[9] the Committee on Foreign Relations went on record to vote against a Presidential nominee. Even prior to the committee vote, it was unclear whether or not the nomination would be approved by the Republican-controlled Senate. A State Department spokesman later said that the Department and the White House had still supported his candidacy and were "prepared to go ahead and support him on a floor fight." [10] But Lefever had become so controversial a figure that within hours after the committee vote and reportedly in consultation with Senate supporters, family, and colleagues, he decided to withdraw his name from further consideration.

Thus, the nomination was ultimately withdrawn after a long and protracted contest between the administration and the Senate in which administration attempts to achieve confirmation through claims on majority party loyalty were overridden by serious and widespread questions as to the suitability of the candidate for the office, even among otherwise loyal Republicans. The relatively extreme policy views expressed by the nominee apparently made it difficult for the administration to win back support for Lefever in light of questions raised as to his ethical standards and integrity.

The Central Intelligence Agency: William Casey and Bobby Inman*

Incoming Presidents do not automatically replace the Director of Central Intelligence (DCI) or his Deputy (DDCI). Presidents Kennedy, Johnson, Nixon, and Ford all retained the incumbents for extended periods, ranging from a period of 10 months in the case of Allen Dulles under President Kennedy, to over 4 years for Richard Helms under President Nixon. In 1977 then DCI George Bush felt that, given his partisan background, he should resign and leave President Carter free to nominate his own DCI. President-elect Reagan decided to replace the controversial Carter-appointed incumbent, Adm. Stansfield Turner.

On December 11, 1980 it was announced that President-elect Reagan had chosen his campaign manager and chairman of the transition team, William Casey, to be the new DCI. A lawyer, Casey had previously served as Chairman of the Securities and Exchange Commission (SEC), Under Secretary of State for Economic Affairs, and President of the Export-Import Bank. His experience in intelligence stemmed from his wartime service in the Office of Strategic Services as Chief of Intelligence Operations, European Theater of Operations, and his service on the President's Foreign Intelligence Advisory Board.

Mr. Casey appeared for his confirmation hearing before the Senate Select Committee on Intelligence on January 13, 1981.[11] Members of the committee expressed their support for the nominee, and used the opportunity to state their concerns over continuing inadequacies in

[9] In 1889, the Senate as a whole did reject a foreign affairs nomination—President Benjamin Harrison's of Murat Halstead as Minister to Germany because of a series of articles he had written denouncing the purchase of Senate seats. In 1914 the Senate also rejected the nomination of James C. McNally as U.S. consul in Nuremberg, Germany. Both nominations had been reported favorably by the Foreign Relations Committee.

[10] Whittle, Richard. Lefever Withdraws After Committee Vote. Congressional Quarterly Weekly Report. June 6, 1981, p. 985.

[11] U.S. Congress. Senate. Select Committee on Intelligence. Nomination of William J. Casey. Jan. 13, 1981. Hearing, 97th Cong., 1st sess. Washington, U.S. Government Printing Office, 1981, 51 pp.

*Prepared by Mark M. Lowenthal, Specialist in National Defense.

U.S. intelligence, their hope that the new DCI would work closely with the two congressional oversight committees, and that he would be vigilant in safeguarding constitutional rights. Of special concern was Casey's willingness to comply with the Intelligence Oversight Act of 1980 (Public Law 96–450), which mandates prior notice to Congress of "any significant anticipated intelligence activity."

In his opening statement Casey responded positively to these concerns. In response to a question from Senator Daniel Patrick Moynihan concerning his withholding information from a House Interstate and Foreign Commerce Subcommittee on the ITT-Robert Vesco affair while chairman of the SEC, Casey stated his "willingness to comply fully with the spirit and the letter of the Intelligence Oversight Act." [12]

Although Casey's business affairs became a subject of controversy after his confirmation—at the time of the Senate hearing—the Office of Government Ethics in the U.S. Office of Personnel Management reported that the nominee was in compliance with conflict-of-interest regulations.[13]

The Senate Intelligence Committee voted 14 to 0, one member voting "present," in favor of the nomination. On January 27 he was confirmed by the Senate, 95 to 0.

One interesting aspect of the hearing was the strong recommendation by the chairman and vice chairman, Senator Barry Goldwater and Senator Moynihan, that Casey consider naming Vice Adm. Bobby Inman, then Director of the National Security Agency (NSA), as his deputy.

On January 24, 1981 the administration announced that Admiral Inman had been selected to be DDCI, along with the recommendation that he be promoted to full admiral. On February 3, 1981 Admiral Inman appeared before the Senate Intelligence Committee [14] which, as noted, had urged his nomination. In discussing the division of labor with the DCI, Admiral Inman said that Mr. Casey would concentrate on covert operations and clandestine collection, and that he would concentrate on intelligence community affairs, relations with Congress, resource allocation and technical issues. Admiral Inman also expressed strong support for the intelligence oversight provisions previously enacted. In addition, he also addressed problem areas that he saw in U.S. intelligence, stressing the problem of personnel. The committee unanimously supported his nomination that same day, and he was confirmed by the Senate, 94 to 0, on February 5, 1981.

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[12] Ibid., p. 25.

[13] Ibid., p. 51. In their subsequent report on Casey's finances and his initial choice for Director of Operations (S. Rept. No. 97–285, Dec. 1, 1981) the committee faulted Casey's filling out of two forms required by the Office of Government Ethics and the committee, as well as his response to a committee questionnaire. The committee felt that the omissions showed that Casey "was at minimum inattentive to detail," and expressed concern "that this pattern suggests an insufficient appreciation of the obligation to provide complete and accurate information to the oversight Committees of the Congress." Special reference was made again to the obligations placed on the DCI by the Intelligence Oversight Act of 1980.

[14] U.S. Congress. Senate. Select Committee on Intelligence. Nomination of Adm. B. R. Inman. Feb. 3, 1981. Hearing, 97th Cong., 1st sess. Washington, U.S. Government Printing Office, 1981. 36 pp.

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U.S. Congress. Senate. Select Committee on Intelligence. Nomination of William J. Casey. Hearings, 97th Cong., 1st sess., on nomination of William J. Casey, to be Director of Central Intelligence. Jan. 13, 1981. Washington, U.S. Government Printing Office, 1981, 51 pp.

——— Nomination of Adm. Bobby R. Inman. Hearing, 97th Cong., 1st sess., on nomination of Adm. Bobby R. Inman to be Deputy Director of Central Intelligence. Feb. 3, 1981. Washington, U.S. Government Printing Office, 1981, 36 pp.

ARMS SALES TO SAUDI ARABIA: AWACS AND THE F-15 ENHANCEMENTS*

Overview

During 1981 Congress and the President engaged in a major confrontation over the sale to Saudi Arabia of airborne warning and control system (AWACS) aircraft, and weapons and equipment to enhance the capabilities of its F-15 fighters. The sales controversy reflected the continuing divergence of opinion in the executive and legislative branches over the policy of transfer of highly sophisticated arms and technology to Arab countries in the Middle East as a means of bolstering U.S. regional security interests and helping to advance the Arab-Israeli peace process.

Throughout the year, the Reagan administration, Congress, and interest groups battled over the definition of issues and the timing of the debate on the proposed Saudi sales. This struggle played a key role in the ultimate disposition of the sales case. The Reagan administration viewed the sales as vital to preserving and enhancing American interests and influence in the area, particularly in the wake of the Iranian revolution and the Soviet invasion of Afghanistan. The administration attempted to focus debate on the importance of the sale to counter Communist threats to the region, Saudi defense requirements, and the need to protect the Saudi oilfields. It maintained that the sales would not pose a credible threat to Israel.

But the administration postponed its active participation in the debate for several months, choosing to concentrate on divisive domestic economic issues. Only after these matters were settled did it intensively prepare and make its formal justification for the proposed sales. When disapproval in the Senate seemed likely, the administration shifted the focus of the debate to a question of supporting or undermining the President's international credibility and ability to conduct American foreign policy.

Many Representatives, Senators, and lobbyists initially expressed particular concern regarding the adverse effect of the proposed sales on the security of Israel. During months of debate, several Members raised doubts about the Saudi need for AWACS and increased fighter capabilities, and its ability to operate, maintain, and provide security for this equipment. In addition, several Members questioned the reliability of Saudi Arabia as a friend of the United States and as a force

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This paper is based upon a close review of the written public record of the debates over the Saudi arms sales package. The most important of the published primary sources are listed in the references section at the end of the text. This study is also based upon over 20 interviews and discussions with administration and congressional participants who had firsthand knowledge of the matters discussed herein. These interviewees spoke frankly with the author on the understanding that their comments would not be attributed directly to them. Thus, in various places in the text such comments are attributed to administration, Senate, or congressional "sources," or "well-informed sources" as appropriate. The author was not able to discuss these matters with everyone who could have contributed background information on them. However, he did discuss them with persons representing the spectrum of views and perspectives on this subject.

for stability in the Middle East region. Others questioned the viability of the sales as a means of augmenting U.S. strategic capabilities in the area and advancing the Arab-Israeli peace process.

The administration made no changes in the actual numbers or types of items sold to Saudi Arabia despite strong concerns raised in Congress over the sales package. Once the administration had decided which items it wished to sell to the Saudis it was prepared to fight to see that those items were sold. After making the basic decisions to sell AWACS and the F–15 enhancements, the administration discussed related issues with Congress primarily to assure Members that the sales would not harm U.S. national security interests but would advance them.

Congress nearly passed a concurrent resolution disapproving the Saudi arms sale under section 36(b) of the Arms Export Control Act. Both the House Foreign Affairs and Senate Foreign Relations Committees formally recommended that their respective Chambers veto the Saudi arms sales proposal. The House of Representatives voted by a wide margin on October 14 to block the Saudi sales. This was the first time either House had passed a resolution to veto an arms sale under the applicable authority enacted in 1974.

The administration—through a letter from the President—creatively met the expressed concerns of a number of Senators regarding the AWACS sale. The President assured them that the AWACS planes would not be delivered to the Saudis until detailed conditions set out in his letter had been fulfilled. Several Senators offered language for inclusion in this Presidential letter prior to its submission and most of their suggestions were accepted by the President. With these assurances and the persuasive efforts of President Reagan, the administration was narrowly able to avoid defeat of the Saudi arms proposal—the Senate rejected the resolution of disapproval by a vote of 48 to 52.

In formal votes on the Saudi AWACS and F–15 enhancements proposal, Congress split primarily on party lines. The Democratic House of Representatives overwhelmingly rejected the sale by a vote of 301 to 111. Only 33 House Democrats voted not to block the sales. In the final Senate floor vote only 10 Democrats opposed the disapproval resolution, joining 41 Republican opponents of the veto. Clearly, a solid Republican bloc and a small but critical cluster of Senate Democrats made it possible for the President to avoid a significant defeat on the most controversial foreign policy issue of 1981.

This paper deals with this complex issue by breaking it down into five separate phases which are discussed sequentially. These five phases are: (1) development of the sales proposal; (2) administration decisions/congressional reactions (February–May 1981); (3) congressional action/administration inaction (June–August 1981); (4) confrontation with Congress (September–early October 1981); (5) administration/senatorial negotiations (October 1981).

Development of the Sales Proposal

The AWACS and F–15 enhancement sales issue had its origins in the arms sale package for Israel, Egypt, and Saudi Arabia in May 1978. In order to win congressional support for the sale of 60 F–15 aircraft to Saudi Arabia in this package, the Carter administration had

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to provide specific assurances to Congress regarding the Saudi use of the F–15's and had to limit the offensive capabilities of the aircraft. Further, the administration had to assure Congress that it would not sell other items to the Saudis that would upgrade the F–15's offensive performance. The Carter administration stated at that time that the United States did not plan to sell AIM–9L Sidewinder missiles, conformal fuel tanks (CFT's), bomb racks, or airborne early warning aircraft, including AWACS.

After receiving these assurances—most notably spelled out in a letter from Secretary of Defense Harold Brown of May 9, 1978, to Senator John Sparkman, chairman of the Senate Foreign Relations Committee—the Senate rejected a resolution to block the Saudi F–15 sale by a vote of 44 to 54 on May 15, 1978. There the matter rested for some months. It was revived in 1980, however, by press reports that the Carter administration was considering additional sales of military items to Saudi Arabia, including items it had refused to sell in 1978.

Even though the Carter administration had told Congress that it did not intend to sell F–15 enhancement items and AWACS to the Saudis in 1978, the Saudi Government remained interested in upgrading its air defense. Saudi interest in AWACS was subsequently whetted by seeing its capabilities firsthand when it operated in Saudi Arabia in March and April of 1979 during the conflict between North and South Yemen. In September 1979, the Saudis formally requested a feasibility study from the United States to analyze the value of an airborne surveillance system for the Kingdom.[1]

During his visit to Saudi Arabia in February 1980, the Saudis gave Dr. Zbigniew Brzezinski, national security advisor to President Carter, a list of items that they wished to purchase. This list contained F–15 enhancement items: specifically, multiple ejection bomb racks (MER 200), conformal fuel tanks (CFT's), tanker aircraft, and the AWACS. Later, in April 1980, the Saudis also requested the AIM–9L Sidewinder missile.[2]

According to the Defense Department, the U.S. Government informed the Saudi Government on April 30, 1980, that:

(1) It was not timely to reopen the issue of sales of CFT's, MER 200 bomb racks, or tanker aircraft for Saudi F–15's in light of previous assurances to Congress on those items in 1978. Sales of the bomb racks and tanker aircraft posed "particularly serious problems." The United States did not respond to the AIM–9L Sidewinder request at this time.

(2) In view of "changes in the regional security situation over the next year or so it may be possible to present an effective case to Congress for additional Saudi defense requirements, including conformal fuel tanks."

(3) The "sale of AWACS also presents the U.S. Government with significant problems." The United States offered, however, "to conduct an airborne surveillance feasibility study to clearly define Saudi defense needs in this area."[3]

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[1] U.S. Congress. Senate. Committee on Foreign Relations. Disapproving the Proposed Sales to Saudi Arabia of E–3A Airborne Warning and Control System (AWACS) Aircraft, Conformal Fuel Tanks for F–15 Aircraft, AIM–9L Sidewinder Missiles, and Boeing 707 Aerial Refueling Aircraft. Report together with minority views [to accompany S. Con. Res. 37]. Oct. 23, 1981. Washington, U.S. Government Printing Office, 1981 (97th Cong., 1st sess. Senate. Rept. No. 97–249), pp. 2–6; Senate. Committee on Foreign Relations. The Proposed AWACS/F–15 Enhancement Sale To Saudi Arabia. A staff report. September 1981. Committee print. Washington, U.S. Government Printing Office, 1981 (97th Cong., 1st sess.) pp. 3–6; Senate. Committee on Foreign Relations. Arms Sales Package to Saudi Arabia. Hearings. 97th Cong., 1st sess. Oct. 1, 5, 6, 14, and 15, 1981. Washington, U.S. Government Printing Office, 1981 (Part 2), pp. 113–114.

[2] Ibid.

[3] Ibid.

On June 26, 1980, Secretary of Defense Harold Brown met with Prince Sultan, the Saudi Defense Minister, in Geneva. According to the executive branch:

> During this meeting, it was agreed that the United States could not at that time make commitments on the requested enhancement items, nor was it likely that all of the enhancement items requested could be addressed simultaneously since the nature and timing of sales would be subject to the results of consultation with Congress. [It was further] agreed [that] the U.S. Government would continue to study the enhancement requests, would proceed with the airborne surveillance feasibility study, that no U.S. Government decision on these items was pending and that no decision would be made without prior consultations with Congress.[4]

The air surveillance feasibility study requested by the Saudis was formally initiated by the United States on September 8, 1980. Before it was finished, Iraq invaded Iran. As a consequence, the Saudis requested that the United States deploy AWACS in their eastern provinces to guard against possible attacks against their oilfields. In response to this request the United States sent four AWACS planes to Saudi Arabia on October 1, 1980. Apparently, during this deployment, senior U.S. military officials reinforced the interests of Saudi leaders in obtaining AWACS.[5]

The Carter administration did not formally commit the United States to sell AWACS or other equipment to the Saudis. Its role in the development of such a commitment was detailed in a joint letter of April 1, 1981, from former Secretary of State Edmund Muskie and former Secretary of Defense Harold Brown to Senator Carl Levin. The former Secretaries stated that the Carter administration was "favorably disposed toward an early and positive decision on sale to Saudi Arabia of conformal fuel tanks and of AIM–9L air-to-air missiles." It was "also favorably disposed toward an eventual future sale of AWACS." Sometime after the November 1980 U.S. elections, the Carter administration asked a Reagan transition team member "authorized to speak for the President-elect" if the Reagan administration wanted to make a "joint representation" to the Saudis on the sales issue. The answer given was that the Reagan administration did not.[6]

After the new Secretaries of State and Defense were designated, Mr. Muskie and Mr. Brown met with them to discuss the Saudi sales. Following these meetings the Reagan administration concluded that it "wanted to review the situation itself, and take a decision in consultations with Congress after taking office on January 20." At that point, the Carter administration "informed the Saudis that [it] had indicated its views to the new administration, that [the new administration] wanted to take an independent look at the problem, and that the Saudis would be hearing from the new administration thereafter."[7]

Thus, according to former Secretaries Muskie and Brown, "the Carter administration indicated its views on this matter to its successors, but neither bound the American Government nor precluded the new administration from doing its own evaluation of the proposed sale and reaching an independent decision—which the Reagan administration did." Secretary of State Haig confirmed the substance of the

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[4] Ibid.

[5] Senate Foreign Relations Committee. Rept. 97–249. Oct. 23, 1981. pp. 2–6; Senate Foreign Relations Committee. AWACS staff report. September 1981. pp. 3–6.

[6] Letter from Harold Brown and Edmund Muskie to Senator Carl Levin. Apr. 1, 1981. Photocopy. Also see Senate Foreign Relations Committee. AWACS staff report. September 1981. p. 5.

[7] Ibid.

Muskie-Brown letter in an ABC News "Issues and Answers" interview on September 20, 1981.[8]

Administration Decisions/Congressional Reactions (February–May 1981)

Soon after the inauguration of President Reagan, the new administration indicated that it was prepared to move forward on the Saudi F–15 enhancements sale. On February 3, 1981, Secretary of Defense Caspar W. Weinberger held a press conference during which he stated that the administration wanted to make the Saudi F–15's "as effective" as possible to assist the Saudis in gaining "the additional security that they need." Such considerations, he said, would be taken into account when the administration decided on additional military sales to Saudi Arabia.[9]

Secretary Weinberger's remarks served to stimulate congressional concern about an imminent Saudi arms sale, and led eight members of the Senate Foreign Relations Committee (seven Democrats and one Republican) to send a letter to President Reagan on February 19 expressing "serious concerns" regarding the possible sale of F–15 enhancement equipment to Saudi Arabia. Nineteen members of the House Foreign Affairs Committee (15 Democrats and 4 Republicans) followed suit on February 25, by sending a letter to Secretary of State Alexander M. Haig, Jr. expressing "grave reservations" regarding the prospective sale.

On February 26, the administration briefed the House Foreign Affairs and Senate Foreign Relations Committee in closed sessions on the basic outline of its decisions regarding the Saudi arms sales proposal. Under Secretary of State James L. Buckley told the Foreign Relations Committee that:

> **The administration had agreed to sell Saudi Arabia AIM–9L missiles and conformal fuel tanks [CFT's] and had reached agreement in principle on selling the Saudis an airborne radar surveillance capability and aerial tankers. [He further advised the committee] that the administration would continue to study the Saudis' needs for air-to-ground weapons, but that no decision had yet been taken with respect to multiple-ejection bomb racks.[10]**

The administration also stated in the hearing that "recent developments in the Persian Gulf region had created new threats to the security of Saudi Arabia's oil resources, and that in light of those 'changed circumstances,' the 1978 assurances had in large measure been superseded." [11]

On March 6, State Department spokesman, William Dyess, announced these decisions, stating that the Reagan administration would "shortly give notification to the Congress" of its intention to sell additional military equipment to Saudi Arabia. Mr. Dyess specifically noted that the administration proposed to sell conformal fuel tanks and AIM–9L missiles for the Saudi F–15's, and that it had "agreed to sell to Saudi Arabia aerial surveillance aircraft, subject to further determination of their specific requirements." The administration, he

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[8] Ibid. "Issues and Answers" transcript, ABC News, Sept. 20, 1981.
[9] Press conference of Secretary of Defense Caspar W. Weinberger. Transcript. Mar. 3, 1981.
[10] Senate Foreign Relations Committee. Rept. 97–249. Oct. 23, 1981, p. 6.
[11] Ibid.

added, had "agreed to be responsive on providing a refueling capability," but had not decided on a sale of air-to-ground items. Instead it would conduct a technical study of Saudi requirements in this area.[12]

Five Democratic members of the Senate Foreign Relations Committee responded on March 6, stating their intention to file resolutions of disapproval regarding sales of Saudi F–15 enhancement items, if and when, the administration formally submitted such sales to Congress. The State Department announcement of March 6 also served to energize Saudi sales critics generally and led to discussions on the best means of making the degree of congressional concern known to the administration before it took formal action regarding the sales.

By mid-March Senator Bob Packwood emerged as the coordinator of Senate critics of the pending Saudi arms sales proposal. Through his efforts, a series of Senate floor speeches by 21 Senators (11 Republicans and 10 Democrats) were made on March 24. These speeches illustrated that the Saudi sales proposal was a matter about which both Republican and Democratic Senators had important reservations, and that the administration could expect a serious conflict in the Senate over the arms sales unless it effectively dealt with their concerns.[13]

At this juncture, the issue of the Saudi sales was formally considered by the National Security Council (NSC) on April 1. According to administration sources, during this meeting NSC members decided to recommend to the President that the United States sell AWACS to the Saudis. This significant action was taken even though some argued that the timing was not politically right to propose the sale of AWACS.

Administration sources state that a decision memorandum for the President on the Saudi sales was prepared following the April 1 NSC meeting. It was presented to him in final form at George Washington University Hospital, where he was recovering from wounds suffered in the assassination attempt made on March 30. By Sunday, April 5—at the latest—President Reagan had approved the NSC recommendation to sell AWACS. In the next several days the NSC discussed "packaging" the Saudi arms sale. Ultimately, the NSC recommended that the President submit AWACS and the F–15 enhancements (the CFT's, the AIM–9L missiles and the aerial tankers) as an integrated proposal. The President approved this recommendation as well.

Although the administration made no public announcement of the President's decision to sell AWACS, soon after the April 1 NSC meeting press accounts reported that a Saudi AWACS sale was likely. The Israeli Government had previously criticized the possible sale of F–15 enhancement items to the Saudis by the United States, but this criticism had been generally restrained. The sale of AWACS to the Saudis was another matter, and its prospect raised almost universal opposition in Israel. The Israeli Government vigorously expressed its opposition to Secretary of State Haig during his visit to Israel on April 5–6, and to a Senate factfinding delegation led by Senate Ma-

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[12] Statement of William Dyess, Press spokesman, Department of State, Mar. 6, 1981. Photocopy.

[13] For floor speeches of the Senators see U.S. Congress, Congressional Record, Mar. 24, 1981, S2532–S2550 [daily edition].

jority Leader Howard H. Baker, Jr., when it was in Israel on April 13–14.[14]

In the United States, opposition to the prospective AWACS sale quickly surfaced as well. On April 6, the Executive Director of the American Israel Public Affairs Committee (AIPAC)—the umbrella group for organizations concerned with Israeli security issues—sent an action memorandum to key AIPAC associates urging that they contact their Senators and Congressmen, to express their "strong opposition" to the AWACS and F–15 package sale to the Saudis, and ask them to speak out against the arms sale and vote for resolutions of disapproval. The Saudi sales had to be opposed, in AIPAC's view, because they were "not in America's interest and because the weapons systems involved [were] a threat to Israel's security." [15]

On April 7, Representatives Jack F. Kemp and James J. Blanchard led dozens of their colleagues in a bipartisan critique of the proposed Saudi arms sale proposal on the House floor. Participants raised concerns ranging from the impact of the sale of AWACS and F–15 enhancements on Israeli security and the prospects for peace in the Middle East to the lack of Saudi support for the Camp David agreement and the possible compromise of technology contained in the equipment proposed for sale.[16]

Finally, on April 9, Senate Democratic leader Robert C. Byrd sent a letter to Secretary of State Haig stating that "the proposed sale of AWACS to Saudi Arabia is certain to spark even greater controversy in the Senate" than did the 1977 sale of AWACS to the Shah of Iran. Senator Byrd asked a number of questions in his letter involving technical and policy issues. He stated his desire that the intense debate that would be stimulated by the AWACS and F–15 enhancement package "not be detrimental to our relations with Saudi Arabia." He therefore believed it important that the concerns he raised in his letter "be addressed adequately prior to formal submission of the arms package to the Congress." [17]

In this context of growing congressional criticism and concern, the White House and State Department formally announced on April 21 that AWACS would be part of the sales proposal. On April 23, Senator Baker met with President Reagan to discuss his recently completed Middle East trip and the issue of the Saudi arms sales. Senator Baker requested that the AWACS/F–15 arms sales package be deferred so that Members of Congress could give advice on the "final shape and form of the package that might be submitted." [18]

The President agreed to Senator Baker's request and assured him that there would be an opportunity for "extensive consultation" between the Congress and the State and Defense Departments on the nature of the Saudi arms proposal. Senator Baker made public the

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[14] U.S. Congress. Senate. A Senate Perspective On Spain and The Middle East. A Report to the U.S. Senate by Senator Howard H. Baker, Jr., June 1981. Washington, U.S. Government Printing Office, 1981 (97th Cong., 1st sess. Senate. Doc. No. 97–11), pp. 7–10, 17, 19, 24.

[15] American Israel Public Affairs Committee. Action Memorandum. (AWACS). Apr. 6, 1981. Photocopy.

[16] For the text of Senator Robert Byrd's letter of Apr. 9, 1981 to Secretary of State Apr. 7, 1981, H1343–H1381. [daily edition].

[17] For the text of Senator Robert Byrd's letter of Apr. 9, 1981 to Secretary of State Alexander Haig see U.S. Congress. Congressional Record. Oct. 21, 1981, pp. S11762–S11763 [daily edition].

[18] "Face The Nation" Transcript. CBS News. Apr. 26, 1981.

President's deferral of the Saudi arms sales package during an interview on the CBS news program, "Face The Nation," on April 26. Senator Baker stated that the "prime reason" for deferral was the need "to do a lot of work between now [April 26] and the time we have the vote * * *." He also stated that both houses of Congress would be more likely to support the President if they had "an opportunity for an effective input." [19]

The administration in April 1981 was clearly in deep trouble with its Saudi arms sales proposal. If the matter had been brought to a vote at that time it would have almost certainly been vetoed by Congress. The administration had not effectively presented the case for the AWACS/F–15 package to Congress; all the details with the Saudis had not been worked out, and the Congress was in the midst of addressing the centerpiece Reagan proposals on the budget and taxes.

From the early days of the Reagan administration, it had been the White House view, according to administration sources, that critical items on the domestic agenda were to take precedence over all other issues. While the Saudi arms sales case was an important matter, there was consensus within the administration that enactment of the Reagan economic program had to come first. The White House staff was not prepared to fight a two-front war over the budget and taxes on the one hand and the Saudi arms sale on the other. Senior officials in both the executive branch and in the Congress also saw merit in not taking a step that would make the Saudi sale a political issue in the Israel elections scheduled to occur on June 30. Thus, on April 26, 1981, the Reagan administration, heeding Senator Baker's advice, put off submitting the Saudi AWACS/F–15 package until at least midsummer.

According to administration sources, at this point the administration reaffirmed a tentative decision made earlier to place primary emphasis on blocking any resolution of disapproval in the Republican-controlled Senate. Since only one House had to vote against a veto resolution to stop it, concentrating its lobbying emphasis on the Senate was a logical choice to the administration. The administration would be fighting on a battleground where it had its best chance for ultimate success.

Having decided to focus on the domestic budget and tax issues, the White House laid down the guidance to administration officials, administration sources state, that they were not to discuss in detail the various issues related to the Saudi sales with Senators and Representatives until the domestic issues were settled. The White House told administration officials to urge Members of Congress who approached them regarding the sales to withhold judgment on the various questions surrounding the sales until the administration had a full opportunity to make its case for them.

During this period, the Senate established one mechanism for Senators to make recommendations regarding the nature of the Saudi arms package. On May 19 Senators Charles H. Percy and John Tower, chairmen of the Foreign Relations and Armed Services Committees respectively, sent a "Dear Colleague" letter to all Senators. The two chairmen took this action at the request of Senator Baker. The letter asked for "any advice or suggestions" that Senators wished to make

[19] Ibid.

regarding the Saudi sales, and advised Senators that the staffs of the Foreign Relations and Armed Services Committees were available to the Senate at large to answer specific questions that Senators might have.

Congressional Action/Administration Inaction (June–August 1981)

The administration may well have compounded its Saudi arms sales problems by instructing senior administration officials to defer detailed discussions with Congress on the issues surrounding the AWACS/F–15 enhancement proposal pending action on the domestic budget and tax issues. By taking this approach the administration could not provide an effective rebuttal to criticism of various aspects of the Saudi sales, and it permitted pressures to build on members and Senators to take a position against them. Having stated its intentions to sell AWACS and F–15 items to the Saudis, the administration insured that the opponents of the proposal would have a clear target. The proposal's opponents chose not to hold their fire until the administration found it convenient to join the battle.

On June 17, eight Senators led by Senator Bob Packwood sent a "Dear Colleague" letter to all Senators asking them to join in signing a letter to President Reagan urging him not to send the Saudi AWACS/F–15 enhancement package to Congress. On June 24, Senator Packwood held a press conference at which he announced that 54 Senators (34 Democrats and 20 Republicans, including 10 of the 17 members of the Senate Foreign Relations Committee) had signed the letter. The letter, sent to the President on June 24, expressed the "deep concern" of its signatories over the administration's intent to sell the AWACS and F–15 enhancements and stated their "strong belief this sale is not in the best interest of the United States * * *." The 54 Senators recommended that the President "refrain from sending this proposal to the Congress." The administration's proposal received another blow on June 24 when Representatives Clarence Long and Norman Lent announced at least 222 members of the House (a clear majority) were supporting House Concurrent Resolution 118, a resolution disapproving the sale of AWACS and the F–15 enhancements to Saudi Arabia.

In spite of this evidence of serious erosion of its position in the Congress on the prospective Saudi arms package, the administration stuck with its strategy to defer dealing with the issue until its domestic proposals were through Congress. On August 4, when the Congress had passed the omnibus reconciliation and tax bills and began a recess that was to run until September 9, President Reagan sent letters asking the leaders of both parties in Congress to urge their colleagues to withhold judgment on the merits of the Saudi sales package until the administration submitted its full case in favor of it. The President did not indicate when this presentation would be made.

Finally, on August 14, Max Friedersdorf, head of White House legislative liaison, stated that the administration would send the informal notification of the Saudi arms package to the Congress on August 24, but that the effective date of the informal notice would be

September 9, the day that Congress returned from its recess. The State Department confirmed Friedersdorf's remarks at its noon briefing on August 14. Ten days later, the administration sent the requisite informal notification of the Saudi AWACS/F–15 package to Congress, together with a detailed briefing book from the White House giving its rationale for the sales. At last the stage was set for a full-scale debate over the controversial sales.

Confrontation With Congress (September–Early October 1981)

Under procedures set forth in the Arms Export Control Act (AECA), Congress has 30 calendar days after the formal receipt of an arms sale proposal to block it by passage of a concurrent resolution of disapproval by both Houses. Under a traditional—but not legally binding—arrangement, Congress has also been given 20 days of informal notice of a proposed arms sale—prior to the submission of the formal proposal. Consultations on the given arms sale proposal tend to occur during the informal 20-day period to explain aspects of the sale and to help resolve potential misunderstandings. However, the executive branch generally waits until the time it formally submits an arms sale proposal to make its most comprehensive case for the sale in question, usually through the formal hearings process.

Thus, from September 9 through September 29, 1981, Congress was in the informal notification phase regarding the Saudi AWACS/F–15 enhancement case. It was during this period that efforts were made by opponents and proponents of the sales to marshal as much support as possible in anticipation of the debate that would occur once the formal 30-day review period began.

On September 4, Senator Bob Packwood led a bipartisan group of 12 Senators (six Republicans and six Democrats) in soliciting support for a resolution of disapproval aimed at blocking the AWACS and F–15 package. In a "Dear Colleague" letter sent to all Senators, Senator Packwood, and his 11 colleagues, noted that, in spite of the fact that the President had been advised on June 24 by bipartisan majorities in both Houses of Congress not to submit the Saudi sales, the administration had nonetheless decided to go forward with the proposal. The "Dear Colleague" called for other Senators to join in cosponsoring a resolution of disapproval to "affirm that the Senate [would] not support the approval of the Saudi arms package." Thus, before the Congress even returned from its summer recess the Saudi arms sales proposal's critics had seized the initiative and gone on the offensive.

During the congressional recess, the administration began to organize briefing papers and staff to lobby for the Saudi arms sale proposal. No substantive lobbying began by the administration during the first 2 weeks of September because it did not wish to highlight the sharp differences that existed between the United States and Israel over the Saudi sales while Israeli Prime Minister Menachem Begin was in the United States on an official visit during the second week of September.

The first major opportunity for the administration to present a more detailed case for the Saudi sales in this period came on September 17 during a Senate Foreign Relations Committee hearing held

with Secretary of State Haig. At that hearing the Secretary characterized the proposed Saudi arms sales package as a "key element" in the administration's Middle East policy. The sales, he said, would "increase the Saudis' ability to defend themselves against local threats, they [would] directly assist U.S. forces deployed in the region * * *" and they would "demonstrate our commitment to assist the Saudis against even greater dangers." At the same time, the Secretary noted:

> We are wholeheartedly and permanently committed to the security of Israel. Without a strong Israel, our hope to improve the prospects for peace and security in the region cannot be fulfilled. A secure Saudi Arabia and a strong United States-Saudi relationship are central to these same tasks.[20]

While Secretary Haig was not willing to go into the details of the Saudi sales proposal, he noted that teams from the executive branch would be providing Senators with confidential briefings on issues related to the individual sales. The administration had set up three such teams termed "Red," "White," and "Blue" for this purpose and each team had a representative from the State Department, the Defense Department and the National Security Council.

Yet before these administration teams had begun to press their case for the Saudi package, Secretary Haig was presented with an alternative approach to the proposed AWACS sale by Senator John Glenn during the September 17 hearing. Senator Glenn stated his strong opposition to a sale of AWACS that would result in a loss of U.S. control over the aircraft. However, he recognized a legitimate need for having AWACS in the Persian Gulf area. He proposed instead that the United States share the expense of operating the AWACS in Saudi Arabia under the condition that the United States be made part of a joint command structure that would control use of the aircraft. Second, Senator Glenn recommended that the United States provide the Saudis with state-of-the-art AWACS planes—capable of carrying out all operations that the standard USAF AWACS aircraft could—and not down-rate AWACS planes susceptible to jamming of their communications and data links.[21]

Senator Glenn acknowledged that this proposal might prove a blow to Saudi pride, but argued that the larger interests of the United States and the Saudis should take precedence. He urged the administration to move toward a compromise of the type he proposed in order to serve the best interests of the United States, Saudi Arabia, and Israel, and thus avoid, the probable defeat of the administration's Saudi arms sale proposal—as then configured—on the Senate floor.[22]

While not rejecting Senator Glenn's proposal out of hand, Secretary Haig did not offer much encouragement that the administration's proposal would be modified to incorporate it. The Glenn-Haig colloquy served to illustrate the serious differences that existed between respected Members of the Senate and the administration regarding both the technical and the policy merits of the Saudi arms sales proposal.[23]

The precarious position of the administration's proposal was further dramatized later on September 17 when Senator Bob Packwood announced that he had obtained 50 Senate cosponsors for a resolution to

[20] U.S. Congress. Senate. Committee on Foreign Relations. Persian Gulf Situation. Hearing. 97th Congress, 1st session. Sept. 17, 1981. Washington, U.S. Government Printing Office, 1981, pp. 5–7.
[21] Ibid., pp. 17–19.
[22] Ibid., pp. 17–20, 28–30.
[23] Ibid.

disapprove the entire Saudi arms sale proposal. Senator Packwood stated that additional Senators had given private assurances that they would vote against the Saudi sales—as proposed—when they reached the Senate floor. Thus, before it had even been formally introduced, opponents could argue that the Saudi arms proposal was almost certain to lose in the Senate—the body the administration was counting on to prevent its veto.

Faced with these circumstances the administration, throughout the latter part of September, attempted to address a variety of concerns that had been expressed by many Senators. An effort was also made to firm up support for the administration's proposal with those Senators who had not taken a formal position. Although Secretary of State Haig publicly restated (on September 20) his skepticism regarding the viability of Senator Glenn's AWACS compromise of September 17, efforts were nonetheless made to reach an agreement with the Senator. It was the view of administration officials that the Senator was widely respected among his colleagues on military issues, and that if an AWACS compromise acceptable to Senator Glenn could be worked out it would significantly enhance the prospects for the sale in the Senate.[24]

In an effort to learn firsthand the Saudi position on the AWACS issue, Senator Glenn arranged to meet with Prince Bandar bin Sultan—the Saudi intermediary for the sale—at the Senator's office. This meeting, which took place during the afternoon and early evening of September 24, assumed greater importance when Prince Bandar arrived accompanied by Richard V. Allen, Assistant to the President for National Security Affairs. According to well-informed sources, Senator Howard Baker and Paul Laxalt joined the meeting for a brief period shortly after it began and supported the idea of Senator Glenn and Prince Bandar attempting to work out a framework arrangement on AWACS. The meeting produced, by its end, a basic formula for dealing with the AWACS sale.

The following day, September 25, Senator Glenn met at the White House with Under Secretary of State James L. Buckley and Richard Allen to discuss further the AWACS compromise proposal. This meeting failed to produce an agreement between the administration and Senator Glenn, but the Senator did offer to continue to work with the administration in trying to find an acceptable formula. Further approaches were discussed with Senator Glenn in the next few days, according to administration and Senate sources, but none proved successful. Consequently, Senator Glenn continued to withhold his support on the AWACS sale.

As the Glenn initiative was being discussed, the Senate and House were also preparing for hearings on the administration's formal Saudi sales proposal. With the administration convinced that its best chances for approval of the sales rested in the Senate, that body became the center of an intense lobbying effort. Since critics of the sales had made much of military and technological issues associated

[24] "Issues and Answers" transcript. ABC News. Sept. 20, 1981. This interview with Secretary of State Haig reflects his skepticism regarding the viability of Senator Glenn's Sept. 17 proposals.

with the AWACS and F–15 enhancements, it seemed appropriate to have the Senate explore those issues in depth—apart from the larger political and diplomatic issues.

To this end Senator Baker worked out an arrangement between Senators Percy and Tower to have the Senate Armed Services Committee hold hearings to explore the military and technical implications of the Saudi sales. In a September 17 letter to Senator Tower, Senator Percy noted that Senate Armed Services Committee hearings that examined in depth: (1) the possibility of compromise of U.S. technology, and (2) the potential contribution the sale could make to the effectiveness of U.S. forces operating in the Persian Gulf, would be most helpful to the Foreign Relations Committee's review of the sale. Both Senators Percy and Baker noted the value that the Armed Services Committee's findings on military issues could have if they were available to the Foreign Relations Committee before its vote on the Saudi resolution of disapproval.[25]

In this context, the Senate Armed Services Committee held hearings on the proposed Saudi arms sales package on September 25, 28, 30, and October 1. All but the last day of hearings were held prior to formal submission of the proposal. These Senate Armed Services Committee hearings proved to be of great advantage to the administration in the long run, for they led to new senatorial initiatives that were to play a key role in the ultimate success of the administration's arms sale proposal. In the short run, they provided Secretary of Defense Weinberger and Gen. David C. Jones, Chairman of the Joint Chiefs of Staff, an opportunity to make the first comprehensive military and strategic argument for the sales package.

Although challenged by several members of the Senate Armed Services Committee on many points regarding the wisdom of the Saudi AWACS sale, Secretary Weinberger took the position on September 28, that "there can be little doubt that future U.S.-Saudi relations would be very adversely affected by rejection of the proposed sale." He added that the sale's rejection would also "confirm a too widely held opinion in the Mideast that the United States is solely concerned with the wishes of the Israeli Government to the exclusion of all other interests." [26]

The Secretary argued that the Saudi arms sale package would "make an important contribution to the security of all states in the region—Israel as well as Saudi Arabia—and that it will promote our efforts to create a strategic consensus in the Southwest Asia region, and thereby further our national security interests." Throughout this hearing the Secretary of Defense and Chairman of the Joint Chiefs made clear their collective view that AWACS posed no credible threat to Israel, that the Saudi sales package made military sense as an air defense package, and that overall U.S. national security interests would be furthered, not harmed, by approval of the sales.[27]

Finally, after months of anticipation, and increasing controversy, the Reagan administration formally submitted its sales proposal for

[25] Letter of Senator Howard H. Baker, Jr. to Senator John Tower. Sept. 17, 1981. Photocopy; Letter of Senator Charles H. Percy to Senator John Tower. Sept. 17, 1981. Photocopy.

[26] U.S. Congress. Senate. Committee on Armed Services. "Military and Technical Implications of the Proposed Sale to Saudi Arabia of Airborne Warning and Control System (AWACS) and F–15 Enhancements." Hearings. 97th Congress, 1st session. Sept. 28, 30, 1981. Washington, U.S. Government Printing Office, 1981, pp. 6–7.

[27] Ibid., pp. 4–8; 10–14.

Saudi Arabia on October 1. The package called for the sale to the Saudis of 5 AWACS aircraft, 1,177 AIM–9L Sidewinder missiles, 101 pairs of conformal fuel tanks (CFT's) for F–15 fighters, and 8 KC–707 aerial refueling aircraft. On the same day, 24 members of the House Foreign Affairs Committee—16 Democrats and 8 Republicans—led by Rep. Dante B. Fascell introduced House Concurrent Resolution 194 which disapproved of the entire Saudi arms sale package. In the Senate, Senator Bob Packwood and 49 cosponsors introduced Senate Concurrent Resolution 37, also disapproving of all elements of the Saudi arms package.

Also on October 1, Secretary of State Haig, Secretary of State Weinberger, and General Jones testified before the Senate Foreign Relations Committee in favor of the proposal, while Under Secretary of State James Buckley and Under Secretary of Defense Fred C. Ikle gave similar testimony before two House Foreign Affairs Committee subcommittees. In an afternoon press conference, President Reagan defended the sale stating that it posed "no threat" to Israel, and that it "significantly [enhanced] our own vital national security interests in the Middle East." The President also stated that he would "not permit" Saudi Arabia to be another Iran, and could give a "guarantee" that the Saudi sales package would "not compromise our security." He implicitly criticized Israel for objecting to the sale by stating that is was "not the business of other nations to make American foreign policy." [28]

In his testimony before the Foreign Relations Committee on October 1, Secretary of State Haig outlined "arrangements" which he believed protected U.S. interests. He stated that the Saudis had agreed:

(1) To insure "an important U.S. role in the development of the Saudi air defense system";

(2) That "there will be complete data sharing with the United States on a continuous basis";

(3) That "there will be no sharing of AWACS data with any other parties without U.S. consent";

(4) That "only carefully screened Saudi and U.S. nationals will be permitted to be involved with these [AWACS] aircraft" insuring a U.S. "presence in the aircraft [AWACS] and on the ground well into the 1990's";

(5) That "there will be no operation of Saudi AWACS outside of Saudi airspace";

(6) That "there will be extensive and elaborate security measures for safeguarding equipment and technology * * *." [29]

Administration/Senatorial Negotiations (October 1981)

By the time the formal proposal was submitted the administration had become acutely aware that the Saudi arms sales package was in

[28] U.S. Congress. House. Committee on Foreign Affairs. "Proposed Sale of Airborne Warning and Control Systems (AWACS) and F–15 Enhancements to Saudi Arabia. Hearings and markup before the Committee on Foreign Affairs and its subcommittees on International Security and Scientific Affairs and on Europe and the Middle East on H. Con. Res. 194." 97th Cong., 1st sess., Sept. 28; Oct. 1, 6, and 7, 1981. Washington, U.S. Government Printing Office, 1981, pp. 37–86; President Ronald Reagan's press conference, Oct. 1, 1981. Weekly Compilation of Presidential Documents Vol. 17—No. 40. Oct. 5, 1981, pp. 1064–1065, 1067, 1070.

[29] Senate Foreign Relations Committee. AWACS hearings. Oct. 1, 5, 6, 14, and 15, 1981. Part 1, p. 11.

very serious trouble. The private assessment of both administration and congressional votecounters was that the proposal was quite likely to lose. The administration had concluded long before, administration sources state, that the House would almost certainly vote to veto the sales, so attention continued to focus on finding a formula that would make it possible for at least 50 Senators to support the proposal. With exactly one-half of the Senate already on record in opposition to the sales, the administration needed to win over not only uncommitted Senators, but some who were already publicly committed against the Saudi sales.

One basis for a possible breakthrough was a suggestion of Senator Sam Nunn during a closed session of the Senate Armed Services Committee with Secretary of Defense Weinberger. According to administration and Senate sources, Senator Nunn proposed that a Senate resolution be submitted that would establish specific conditions that would have to be met before any country could buy AWACS. In this way concerns regarding the plane's security, loss of its technology, and how it could be used could be dealt with without singling out Saudi Arabia specifically. Thus any private assurances that the administration was able to obtain about the Saudi AWACS could be, in effect, made public but without embarrassing the Saudis in the process. Senator Nunn's formula also called for the President to certify that the conditions set forth in the resolution had been met *prior to* the time of any AWACS transfer.

Both administration and Senate sources suggest that Secretary Weinberger did not agree with the Nunn proposal and did not encourage it. They also indicated, however, that Senator Nunn continued to discuss his approach with other administration officials and that Senator John W. Warner collaborated effectively with Senator Nunn, both in arguing for the approach with administration officials and in persuading the administration to draft a resolution along the lines first suggested by Senator Nunn in the Armed Services Committee.

As the administration, in September, began to focus on the precarious political position of the Saudi sales proposal, the Legislative Strategy Group (LSG) under the direction of James A. Baker III, White House Chief of Staff, became increasingly involved in the management of the issue. The LSG was a senior level working group composed of influential staff members of the White House. Key participants in the final phase of the Saudi sales debate, according to well-informed sources, were: James Baker III, White House Chief of Staff; Edwin Meese, Presidential Counselor; Max Friedersdorf, Head of White House Legislative Liaison; Richard G. Darman, White House Deputy Chief of Staff; Richard Allen, Assistant to the President for National Security Affairs; and David Gergen, White House Communications Director. Although not a LSG member, Richard Fairbanks, Assistant Secretary of State for Congressional Relations, was an important participant in LSG strategy sessions on the Saudi sales. Once the September technical briefings on the Saudi arms package were completed, the LSG played an especially critical role in the coordination of a heretofore disjointed administration lobbying effort.

When a working draft of the resolution on the Nunn-Warner model

was completed by late Saturday, October 3, well informed sources state, the administration decided that a meeting between Senators Nunn and Warner and senior adminisration officials of the Legislative Strategy Group was appropriate to see if the draft resolution could be the basis of a compromise. At Senator Nunn's suggestion, Senator Glenn was invited to attend to see if the new proposal could resolve his specific set of concerns. Thus on Sunday, October 4, Senator Warner hosted a meeting at his Georgetown home. Attending the meeting, according to well-informed sources, were Edwin Meese, James Baker III, Richard Allen, Richard Fairbanks, and Senators Nunn and Glenn.

After hours of discussion, well-informed sources say, the basic format of a Senate resolution on AWACS had taken shape. Senators Nunn and Warner considered the approach workable, and having gained administration support for it at the highest level of the White House staff, made plans to introduce it in the Senate during the following week. Senator Glenn apparently found the proposal inadequate at least in part because of his commitment to a joint crewing arrangement.

On Wednesday, October 7, Senator Warner, for himself, Senator Nunn and 24 other cosponsors, introduced Senate Resolution 228 in the Senate. This sense of the Senate resolution embraced the ideas first advanced by Senator Nunn by making any sale of AWACS to *any* country subject to specific conditions and safeguards, and requiring a Presidential certification that the stipulated conditions had been met prior to the transfer of the AWACS system.[30]

The Nunn-Warner resolution played two key roles in the intensifying conflict over the Saudi sales. First, it gave Senators who were uncommitted or supporters of the Saudi sales a vehicle they could embrace openly. It was an alternative to the Packwood resolution of disapproval. Now there could be a public checklist of *support, or potential support*, for the AWACS sale. Second, the resolution was tangible evidence that senior level administration officials were actively involved in seeking a workable solution to the political problems associated with the proposal and would bend to some degree to gain the support of critics of the Saudi arms sales package.

While the Nunn-Warner proposal was being worked out, the administration was engaging in an orchestrated effort to confront the Congress with the potentially serious consequences of a veto of the arms sales proposal, while attempting to address further the concerns that had been raised against it. On October 5, Secretary of State Haig testified again before the Senate Foreign Relations Committee and argued that the terms and conditions of the AWACS sale went beyond those required in the standard foreign military sales contract in a number of important respects. He stated that the choice confronting Congress was:

> * * * not between these agreed arrangements and some still more favorable ones. The issue is whether U.S. interests are better served by the kind of surveillance system we are proposing or by the kind of system that would be supplied by Britain or by some other third country.[31]

Secretary of Defense Weinberger had previously told the committee on October 1 that the Saudis would likely buy the British NIMROD

[30] For the text of the Nunn-Warner resolution (S. Res. 228) and the statements of Senators Warner and Nunn regarding it see U.S. Congress, Congressional Record, S11221–S11226 [daily edition].

[31] Senate Foreign Relations Committee, AWACS Hearings, Oct. 1, 5, 6, 14, and 15, 1981. Part 1, pp. 184–187.

AEW aircraft in lieu of AWACS should the U.S. Congress veto the sale.[32]

It was during this period of the debate that Egyptian President Anwar Sadat was assassinated on October 6. His death introduced a new element of uncertainty and instability into the Middle East political/military equation. Both proponents and opponents attempted to capitalize on Sadat's death to advance their position on the Saudi arms package. However, there is surprising consensus among both congressional and administration sources that Sadat's murder provided arguments that favored both sides of the AWACS controversy almost equally—thus having a minimal effect on the debate's outcome.

The technical and strategic arguments of the administration also were having minimal effect on a key group of freshman Republican Senators who believed that the Saudi arms sales package was doomed to defeat unless the administration was willing to give stronger assurances than it had provided to that point. These Senators made it clear that they wanted to support the Saudi proposal, but for them to do so the administration would have to address their respective concerns in a more direct manner.

Accordingly, on October 6, Senators Dan Quayle and Slade Gorton took the initiative to draft a letter of assurances for the President's signature. This letter called for a Presidential certification in writing to the Senate—prior to the Senate's vote on the sale—that specific conditions regarding the Saudi AWACS sale would be part of the sale's formal contract; and that before the planes were delivered, the President would again certify that these conditions had been implemented.

Senators Gorton and Quayle met on October 6 with four other freshmen Republican Senators: Mark Andrews, Bob Kasten, Mack Mattingly, and Frank Murkowski. At this meeting Senators Gorton and Quayle discussed their general proposal. The consensus of those present was that, in the absence of some such basic changes in the AWACS sales proposal, none of them could vote for it. In this context, Senators Quayle and Gorton pursued the issue the next day, October 7, by personally presenting a draft copy of their proposal for a Presidential certification on AWACS to Vice President George Bush at the White House.[33]

Senators Gorton and Quayle informed Vice President Bush and others that their votes on the AWACS sale hinged on the acceptance of the certification proposal with detailed conditions covering:

(1) Security of U.S. technology;
(2) Command and control of AWACS;
(3) Screening of personnel;
(4) AWACS flight operations;
(5) Command structure; and
(6) Peace initiatives.[34]

The White House response, according to well-informed sources, was to send a high level staff team to discuss the certification proposal in

[32] Ibid., p. 52.
[33] This detailed account was set forth by participants in U.S. Congress, Congressional Record, Oct. 28, 1981, pp. S12347-S12348 [daily edition].
[34] Ibid.

further detail on the afternoon of October 7. The meeting was held in Senator Quayle's office and included Senators Gorton and Quayle, and other freshmen Republican Senators. The administration was represented by James Baker III, White House Chief of Staff; Max Friedersdorf, White House Legislative Liaison Chief; and Richard Fairbanks, Assistant Secretary of State for Congressional Relations. According to well-informed sources, the Senators expressed their concerns and discussed proposals at this meeting. The idea of integrating their specific concerns into amendments to the Nunn-Warner proposal apparently surfaced during the discussion.

In the days following the October 7 meeting with the freshmen Republican Senators, the administration decided to amalgamate the Nunn-Warner resolution and the Gorton-Quayle certification concept into a Presidential letter. This was done for two reasons, according to both administration and Senate sources. First, unlike a Senate resolution, a letter from the President was not subject to a Senate floor amendment during debate. If an attempt was made to address all concerns through a Senate resolution, the prospects were very real that the process could get out of hand, with many embarrassing and damaging votes on amendments possible.

Secondly, the Presidential letter of certification had the advantage of being a "living document," as one administration source termed it, and could be modified any number of times to accommodate the suggestions of enough Senators to insure the passage of the Saudi arms sales package. It also had the virtue of not providing a clear target for the opponents to attack. By not publicly releasing the final version of the letter until absolutely necessary, the administration would be able to recapture the initiative it had lost over the Saudi sales debate during the months from April until October.

From October 7 through October 15, events moved swiftly as formal actions were taken by both the House and two Senate committees on the issue, with the President and his supporters lobbying hardest in the Senate. On October 7, the House Foreign Affairs Committee, by a vote of 28–8, with 1 voting present, favorably reported, House Concurrent Resolution 194, recommending disapproval of the AWACS/F–15 enhancement package. The resolution was supported by 18 Democrats and 10 Republicans, with 1 Republican voting present. Only three Democrats and five Republicans voted against the resolution.[35] Subsequently, on October 14, the House of Representatives, by a vote of 301 to 111, with 1 voting present and 20 not voting, approved House Concurrent Resolution 194. This vote was the first time either House passed a resolution to disapprove an arms sales proposal, under the applicable authority enacted in 1974.[36]

The main arguments made against the sales in the House were strong reiterations of concerns that had been made by critics since the early part of the year. The arguments embraced the following points sum-

[35] U.S. Congress. House. Committee on Foreign Affairs. Disapproving the proposed sales to Saudi Arabia of E–3A airborne warning and control system (AWACS) aircraft, conformal fuel tanks for F–15 aircraft, AIM–9L Sidewinder missiles, and Boeing 707 aerial refueling aircraft; report together with supplemental, additional, and dissenting views [to accompany H. Con. Res. 194]. Oct. 7, 1981. Washington, U.S. Government Printing Office, 1981 (97th Cong., 1st sess., H. Rept. No. 97–268), p. 2.

[36] U.S. Congress. House. Congressional Record. Oct. 14, 1981. H7307–H7308 [daily edition]. The entire House floor debate on the AWACS resolution is found in the Congressional Record of Oct. 14, 1981 from pp. H7236–H7308 [daily edition].

marized from the House Foreign Affairs Committee's report on House Concurrent Resolution 194:

—Israel's security would not be enhanced by the proposed sales, to the contrary its defense planning would be complicated and the threat to its security increased.

—Saudi Arabia had rejected the Camp David accords, not recognized Israel as a state and had provided substantial funding for the Palestine Liberation Organization (PLO), which was committed to the destruction of Israel. There was no real evidence that the sales would advance the Middle East peace process, and, in fact, it was more likely that they would merely add to the already spiraling arms race in the region.

—The legal safeguards and assurances provided for the Saudi AWACS could be rendered meaningless by political upheaval in Saudi Arabia, and lead, as in the case of Iran, to the compromise of sensitive U.S. technology.

—The United States should not agree to every Saudi request for arms sales if such sales did not serve U.S. interests, and it was the view of the critics that these sales clearly did not serve U.S. interests in the Middle East region.

—Selling the proposed Saudi items would violate explicit assurances given to the Congress in 1978 regarding subsequent enhancement of the offensive capabilities of the Saudi F–15's, and would call into question the value of assurances given to Congress in the exercise of its institutional prerogatives under section 36(b) of the Arms Export Control Act.

—Although it was possible that United States-Saudi relations would receive a setback in the short term if the sales were rejected, it was also likely that Saudi-American economic, political, and military relations would survive such a setback.[37]

According to administration sources, the unfavorable vote was not surprising, although the margin of defeat was greater than anticipated.

On the Senate side, the administration's efforts on behalf of the Saudi sales were rewarded by a notable vote of support from the Armed Services Committee and a narrow loss in the Foreign Relations Committee. On the morning of October 15, the Senate Armed Services Committee, by a vote of 10 to 5, approved a committee report favoring the proposed sale of AWACS and the F–15 enhancements. The report was supported by 7 Republicans, 2 Democrats, and 1 Independent of the 17-member committee. One Democrat voted present. One Republican was recorded absent. Significantly, the Senate Armed Services Committee report stated that its major findings (which were supportive of the Saudi sales) were "subject to a Presidential certification that fully addresses and eliminates" the "residual concerns" that the committee had regarding:

(1) "Security measures for safeguarding U.S. equipment and technology";

(2) "Timely U.S. access to the information collected by AWACS aircraft";

(3) "Control over third party access to AWACS aircraft equipment, technology and information";

[37] House Foreign Affairs Committee. Rept. No. 97–268. Oct. 7, 1981, pp. 3–5.

(4) "AWACS aircraft flight operations";
(5) "Contributions of the sale to regional peace and stability." [38]

The Senate Foreign Relations Committee, by contrast, narrowly opposed the enhancement package by a vote of 9 to 8. The resolution of disapproval was supported in the 17-member committee by 8 Democrats and 1 Republican. All opponents were Republicans. The stage was now set for several days of intensive lobbying by opponents and proponents of the sales with the outcome in the Senate still clearly in doubt.[39]

Throughout the debate over the Saudi arms sales proposal various interest groups as well as individuals took strong positions for and against it. Some of their views were expressed during formal congressional hearings. In other instances lobbying was conducted through personal contacts with Senators, Representatives, and their respective staffs. Among the critics of the Saudi arms sale package were the American Israel Public Affairs Committee (AIPAC); Jewish War Veterans of the United States; and Americans for Democratic Action (ADA). The main interest group speaking on behalf of the Saudi sales was the National Association of Arab-Americans (NAAA). In addition, U.S. industries such as the Boeing Corp., and various subcontractors who would benefit from the sales were active on behalf of the proposal. Also very active on behalf of the Saudi sales was Mr. Fred Dutton, counsel to the Embassy of Saudi Arabia, and registered foreign agent for the Saudi Government.[40]

During the last weeks before the Senate floor vote, the administration intensified its efforts to win the support of Senator Robert Byrd, Senate Democratic leader. He had remained uncommitted during the months of discussion of the Saudi sales issues. Both administration and Senate sources believed that he could be convinced to support the sales, and that if he did his vote would insure their approval.

In April 1981, Senator Byrd had sent the Secretary of State a letter asking questions about important aspects of the proposed AWACS sale. Yet it was not until September, well-informed sources say, that the administration seriously attempted to respond to these questions. Senator Byrd received "canned" briefings about technical aspects of the Saudi sales, but was reportedly not satisfied by the answers he received to detailed questions he raised privately. As described by the Senator subsequently in a floor speech on October 21, the administration was not able to allay his major concerns about the foreign policy and strategic framework of the Saudi arms sales package. Even senior administration officials were unable to persuade the Senator that the arms package would enable the United States to help Saudi Arabia protect itself should a major conflict break out in the Persian Gulf.

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[38] U.S. Congress. Senate. Committee on Armed Services. Military and Technical Implications of the Proposed Sale of Air Defense Enhancements to Saudi Arabia. Report of the hearings on the military and technical implications of the proposed sale of air defense enhancements to Saudi Arabia, based upon hearings held before the committee in accordance with its responsibilities under rule XXV(c) of the Standing Rules of the Senate, together with additional views. Oct. 22, 1981. Washington, U.S. Government Printing Office, 1981 (97th Cong., 1st sess. Senate. Rept. No. 97-242), pp. 2-3.

[39] Senate Foreign Relations Committee. Rept. 97-249. Oct. 23, 1981, p. 2.

[40] For formal committee testimony of the interest groups mentioned above see Senate Foreign Relations Committee. AWACS Hearings. Oct. 1, 5, 6, 14, and 15, 1981. Part 1, pp. 136-183; also see House Foreign Affairs Committee. AWACS Hearings. Sept. 28; Oct. 1, 6, and 7, 1981, pp. 100-122, 174-183.

Ultimately, Senator Byrd concluded that because the administration could not demonstrate to his satisfaction that it had a viable Middle East policy—particularly for dealing with the Arab-Israeli dispute—and a sound military strategy into which the AWACS/F–15 enhancement package fit, he would have to oppose it. However, before he announced his formal opposition on October 21, Senator Byrd discussed the issues not only with administration officials but with a broad range of knowledgeable individuals inside and outside of the Senate.[41]

The loss of Senator Robert Byrd's vote on the issue came at a time when the administration had begun a strong campaign to win over Republican votes in the Senate by private appeals to party loyalty. Several well-informed sources—including those opposed to and in favor of the Saudi sales—state that some Senate Democrats were being asked to support the President in a spirit of bipartisanship by administration officials while the same officials were asking Republican Senators to vote with their Republican President on the issue.

As the day of the Senate vote approached, the President spent increasing amounts of his time actively engaged in the lobbying efforts. Both administration and Senate sources indicate that one of the factors that energized President Reagan was his anger at what he believed was improper lobbying against the Saudi sales by Israeli Prime Minister Begin during his September visit to the United States. The administration also realized, both Senate and administration sources state, that it still had to overcome the perception that had developed that the President was not totally committed to getting the sales through Congress.

During the last days before the Senate vote, the President met with selected Senators individually and appealed—according to both administration and Senate sources—for their support on the grounds that his ability to conduct American foreign policy would be undermined if the Saudi sales were vetoed. Ultimately, the combination of personal appeals and the President's letter of certification—which was modified to a sufficient degree to garner the support of a critical cluster of Senate Democrats while proving acceptable to a large bloc of Republicans—provided the administration with a Senate majority.

The Presidential letter of certification formally submitted to the Senate on October 28 contained detailed responses in the key issue areas identified in the Nunn-Warner resolution, the Quayle-Gorton draft proposal of October 7, and the Senate Armed Services Committee report approved October 15. In this letter, the President stated that the United States had:

> * * * reached agreement with the Saudi Government on a number of specific arrangements that go well beyond their firm agreement to abide fully by all the standard terms of the normal Letter of Offer and Acceptance as required by the Arms Export Contral Act.[42]

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[41] For Senator Robert Byrd's key floor speech announcing his opposition to the Saudi arms sales package see, U.S. Congress. Congressional Record. Oct. 21, 1981, pp. S11756–S11765 [daily edition].

[42] U.S. Congress. Congressional Record. Oct. 28, 1981, p. S12349 [daily edition]. The entire text of the President's letter of certification to the Senate is found on p. S12349 of the Oct. 28, 1981, Congressional Record [daily edition].

The President added that:

> Transfer of the AWACS will take place only on terms and conditions consistent with the [Arms Export Control] Act and only after the Congress has received in writing a Presidential certification, containing agreements with Saudi Arabia, that [the detailed conditions set forth in the October 28 Presidential letter] have been met * * *.[43]

The substantive issue areas in the President's letter, each containing detailed stipulations within them, are: (1) Security of technology; (2) access to information; (3) control over third-party participation; (4) AWACS flight operations; (5) command structure; and (6) regional peace and security.[44]

The reactions of the key participants who sought the Presidential certification are worth noting here for they indicate what they believed the Senate had received from the Administration. Senator Nunn stated his strong belief that "the Presidential commitment, as expressed in the letter, meets in full both the overall thrust of the Warner-Nunn resolution as well as the specific and detailed conditions" of that resolution. Senator Gorton stated that the Nunn-Warner resolution "was a constructive step forward" but that "[i]n its original form * * * it was nothing more than an expression of the Senate and was not binding on the President." Senator Gorton believed that any commitment [regarding the Saudi sale] should be "binding on the Senate and on the President * * *." He believed the President's letter provided that "formal, written commitment of the President of the United States." Senator Quayle concurred, arguing that the letter "binds the Office of the President" to compliance with the conditions set out in it, including those that had been of particular concern to him.[45]

A review of the Senate tally on the Saudi arms package indicates that the administration secured the votes of most of the uncommitted; a number of Republican freshmen who had opposed the sale, and held the votes of most of the remaining Republicans. The final Senate vote on October 28 was 48 for and 52 against adoption of House Concurrent Resolution 194—the resolution that would have blocked the Saudi sales. On this vote, 41 Republicans, 10 Democrats and 1 Independent opposed the resolution, while 36 Democrats and 12 Republicans supported it.[46]

Concluding Observations

In retrospect, the Saudi AWACS/F–15 enhancement package cleared congressional review primarily because the President was able to pick up critical votes by redefining the issue in the last days to that of the President's international credibility and ability to carry out American foreign policy. He raised the stakes in this regard to a very high level by directly injecting himself into the debate and placing his personal prestige on the line. For months the critics of the sales had dominated the debate, and had focused congressional attention on issues such as the potential threat to Israeli security, the unstable

[43] Ibid., p. S12349 [daily edition].
[44] Ibid.
[45] Ibid., pp. S12347–S12350 [daily edition].
[46] Ibid., p. S12452 [daily edition]. The entire Senate floor debate on AWACS is found in U.S. Congress. Congressional Record. Oct. 28, 1981, pp. S12337–S12452 [daily edition].

situation in the Middle East region, and the Saudi refusal to support the Camp David accords. They made a case that the Saudi AWACS/F–15 enhancement proposal was an ill-considered decision that was not based on a rational political-military strategy for the Persian Gulf or a sound Middle East peace policy.

The administration complicated its task by not responding to the critics earlier. But when the President did do so, he was able to sweep aside many of the issues of the sales critics by raising the spector of the damage that could be done to *the Presidency* if Congress disapproved the sales. In this manner, he made debate on other aspects of the sales question appear less critical by comparison.

Thus, though President Reagan was unable to claim persuasively a victory on the substantive merits of the case, he was able to avoid defeat on the Saudi arms sales package. The tactical victory was, nonetheless, remarkable. But nearly all administration and congressional sources interviewed for this study agree that the Saudi AWACS case was handled in a manner by the administration that unduly increased tensions in executive-congressional relations. Certainly there were mitigating circumstances for the administration, not the least of which were the competing domestic issues that took much of its energy during the middle of the year, and the fact that it was new and inexperienced.

In the months after the administration decided to make the sales, consultations among key actors were critical to the building of a formula that the Senate could accept. Every source interviewed—regardless of his perspective on the Saudi arms sales proposal—noted the key role played by Senator Howard Baker in facilitating this process. Through his active participation in shaping Senate initiatives such as the Nunn-Warner resolution, and the Quayle-Gorton certification proposal, he contributed significantly to forging the compromises that were essential to the ultimate success of the Saudi arms sales proposal.

As far as the effect of congressional participation in the review of the sales is concerned, Congress forcefuly expressed its continuing concerns regarding the use of major arms sales to Arab States as an instrument of U.S. foreign policy and strategy. The Senate also required that a Presidential certification be made on a number of important issues prior to the transfer of the AWACS aircraft to the Saudis. This certification stipulates that certain provisions not included in the standard U.S. arms sales contract agreement will be in the Saudi AWACS contract agreement.

Among other things, the Saudi contract will require AWACS data to be exchanged between the United States and the Saudis at all times and prohibit transfer of AWACS data to other countries without prior U.S. consent. The Saudi contract is also to provide that no AWACS flights may be made outside Saudi borders without prior U.S. consent. Further, the United States will retain ownership of the AWACS computer software and, through a variety of measures, will be permitted to protect the security of the AWACS technology and prevent third-party access to it.[47] How significant these Senate-

[47] U.S. Congress. Congressional Record. Oct. 28, 1981. pp. S12347–S12350 [daily edition]. Also see Senate Foreign Relations Committee. AWACS hearings. Oct. 1, 5, 6, 14, and 15, 1981. Part 1, pp. 185–202.

imposed conditions will prove to be, in the last analysis, remains to be seen.

In spite of concerns raised in Congress, the administration made no changes in the actual numbers or types of items sold to Saudi Arabia. The equipment package, as presented, was sold. In the past, congressional opposition to an arms sale has led administrations to reduce or modify the types of items that were ultimately sold.

In this context, the legacy of the Saudi AWACS/F–15 enhancement case is unclear. It can be argued that this Saudi arms sales proposal demonstrates the inherent weakness of the legislative veto as an instrument for imposing congressional views on the President. Certainly it reflects the reluctance of Congress to substitute its judgment for that of the President on a key foreign policy issue that can significantly affect the national security interests of the United States.

On the other hand, because Congress came so close to vetoing the Saudi arms package, it can be argued that the legislative veto's value has been increased. If the notification and arms sales veto provisions in the Arms Export Control Act did not exist, it can be argued that a serious debate on the Saudi sales proposal would not have been possible. Without these provisions Congress would have lacked detailed information about the items proposed for sale and it would not have had a ready means of blocking the sales if it had decided to do so. Finally, because the President had to expend so much political capital to avoid a veto of the Saudi package, *he* may be very reluctant to submit highly controversial arms sales proposals to Congress until he can be assured in advance that he has developed, or can develop, a broad base of support for them.

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CONGRESS AND FOREIGN AID: THE POLITICS OF 1981*

Overview

It has become a cliche to say that foreign assistance is unpopular in Congress. Congress failed to enact a foreign aid appropriations bill for fiscal years 1980 and 1981 and could only approve one of three authorization measures on time in 1979 and 1980. In 1980 Congress did not authorize the full amounts for U.S.-negotiated commitments to some of the multilateral development banks (MDB's), and the House deferred consideration until 1981 of a bill authorizing the sixth replenishment of the International Development Association (IDA) for fear that it would be rejected.

At the beginning of 1981 many congressional observers anticipated major obstacles to the passage of legislation authorizing and appropriating funds for foreign assistance programs. The new administration entered office in January emphasizing a policy of trimming nondefense Government expenditures to reduce the fiscal year 1982 deficit, and stressing domestic economic and tax issues more than foreign policy initiatives. Throughout the year, Congress struggled to restore funds that had been cut from popular domestic programs while staying within the budget guidelines. In this environment, many Members of Congress challenged the need for the increase in foreign aid requested by the administration. There was stiff competition between domestic and foreign programs, and among the several forms of foreign aid during congressional consideration of several phases: the budget reconciliation, fiscal year 1981 supplemental appropriations, fiscal year 1982 authorizations, and fiscal year 1982 appropriations. During consideration of the first budget reconciliation bill, congressional supporters of foreign aid (particularly those favoring economic assistance) fended off moves to cut aid levels. While Congress passed major reductions in many areas of Government expenditures as part of the reconciliation process, it did not substantially alter the size of the foreign assistance budget for fiscal year 1982.

A major issue in 1981 concerned the proper allocation of funds within the foreign aid budget for economic and security assistance programs. This balancing process normally receives a great deal of attention during congressional debate. It assumed an even larger role for fiscal year 1982 since the Reagan administration had proposed to increase the share of security aid and linked this activity closely to U.S. defense needs. Most economic programs received modest increases, but throughout the year these programs were threatened by attempts to reduce economic aid while retaining a high level of security assistance.

* Prepared by Larry Q. Nowels, analyst in foreign affairs. See separate chapters for detailed discussion of congressional action on aid to El Salvador and Pakistan. Note on sources: the information in this report derives not only from the sources noted but also from the unpublished accounts of the public markup and other committee sessions held to negotiate the terms of the various foreign aid bills.

Perhaps the most significant foreign aid debate—certainly the most emotional—focused on the U.S. contribution to the sixth replenishment to the International Development Association (IDA). Supporters of IDA viewed the $3.24 billion U.S. payment as a critical contribution to the development efforts of the poorest nations of the world, while opponents argued that IDA lending policies were unsound and that U.S. contributions were a major waste of scarce funds. IDA proponents, however, skillfully maneuvered congressional passage of the authorization legislation, and later won a substantial fiscal year 1982 appropriation for IDA by agreeing to most of the administration's request for military aid.

Other major issues in the 1981 foreign aid discussion concerned restrictions on assistance to specific countries. The administration requested that Congress relax or eliminate prohibitions blocking aid and arms sales to Argentina, Pakistan, and factions in Angola. Some Members of Congress proposed placing new restrictions on U.S. activities in El Savador while others, with White House backing, sought repeal of the ban on assistance to Chile.

Traditionally, foreign assistance legislation has received most of its support from Members of the Democratic Party while Republican Members tended to oppose these measures. However, as Republicans now dominate in the White House and the Senate, they were required to play a much greater role in managing the foreign aid debate. The Reagan administration hoped that a greater emphasis on security assistance would attract Republicans to vote in favor of the bill. Because of past difficulties in obtaining votes for foreign aid from Republicans, Democratic leaders in the House demanded that they receive major support from the executive branch before moving ahead with the legislation. When some Republican Members opposed portions of the foreign aid program which Democrats regarded as essential, House Democrats left it up to the administration and other Republicans to overcome the opposition.

Despite a great deal of congressional action on foreign aid matters in the spring and early summer, by December neither the authorization or appropriation measures had reached the House floor. At this point, both the Democrats in the House and the administration increased efforts to pass these bills and began to build coalitions. When the authorization legislation came to the House floor on December 9, House Foreign Affairs Committee Chairman Clement Zablocki agreed to an administration request to lower the funding level to the decreased amount proposed by the President in September. At the same time, Republican Members refrained from offering potentially "killer" amendments—amendments whose passage would have irreparably destroyed any chance to develop a coalition to support the bill. Most notable of these was a repeal of the Clark amendment that prohibited U.S. involvement in Angola. In one of the most subdued foreign aid debates in years, the House passed the authorization measure with more than twice the number of Republicans supporting the bill than in the previous year. Other compromises were made in the conference committee meeting. Senate Members agreed not to press for repeal of the Clark amendment and House conferees accepted the Senate position regarding aid to Chile.

The fate of the appropriations bill, taken up in the House on December 11, hinged on the funding level for IDA. Democrats were prepared to oppose the bill—thus spelling its defeat—if IDA and other development programs were cut significantly. Although some Republican Members proposed such reductions, other Republicans assumed the lead role in advocating a higher IDA level. As conferees met on the eve of the Christmas recess, further compromises became necessary. The relative balance between military and economic aid, the IDA appropriation, and the amount of concessional military assistance all became points of conflict. However, once again, Republican and Democrat coalitions formed and conferees emerged with a bill that quickly passed both bodies.

While the 1981 foreign aid debate was unique, the events surrounding congressional consideration may hold some important lessons for future efforts to enact foreign assistance legislation. The critical point is that late in the year the foreign aid bill still retained key elements that could attract support from diverse groups in Congress. Foreign assistance survived early attacks from the Office of Management and Budget (OMB); it not only survived but gained strength from the budget reconciliation process; and members worked out a satisfactory balance between economic and military aid during the committee consideration of the legislation.

Although no one was likely to be pleased with all portions of the bills, in December there were enough compromises and tradeoffs in the measures to win the support of a majority of the members. Supporters of economic assistance would have preferred the original March 1981 budget request for development aid, a larger contribution for IDA, and perhaps stronger restrictions on U.S. aid to certain countries. The administration and those who supported the security assistance portion of the legislation were disappointed that military aid fell below the President's request and that not all country restrictions, most notably the Clark amendment, had been removed.

Nevertheless, both sides concluded that the bill before them were better than the alternative of deferring the authorization debate until 1982 and operating under a continuing resolution for a third consecutive year. The major departure in 1981 from past foreign aid debates came in the prominence with which Republicans participated as key figures in support of the measures. With a Republican-controlled White House and Senate, this characteristic was essential in the 1981 debate and could be again in the future.

Background

The unpopularity of foreign aid in 1981 was not a new phenomenon. Only once in the past 20 years has Congress approved a foreign assistance appropriation bill prior to the beginning of the fiscal year. On six occasions in the past two decades the program has operated under a continuing appropriations resolution (a stopgap funding measure enacted in the absence of normal appropriation acts) for over half of the year, and on three occasions did so for the entire year. Congress has also consistently slashed the amount of foreign aid funds requested by the administration, reducing the recommended levels by an average of 18.8 percent annually over this 20 year period, and at times by as much as one-third.

Individual Members and groups in Congress support or oppose foreign assistance for a wide variety of reasons. For the most part, however, foreign aid has been most strongly supported by Democrats and liberal Republicans, while the majority of Republicans and some southern Democrats usually seek to reject the legislation outright or to significantly reduce program levels.[1] Proponents of foreign assistance contend that beyond serving development and humanitarian purposes these programs are an effective tool for advancing U.S. foreign policy interests. According to these Members, the political, security, and commercial interests of the United States are enhanced through a strong and active foreign assistance program. Opponents, however, question the assertion that a strong link exists between foreign aid and U.S. economic growth, and contend that aid does not buy friends.

The size of the foreign aid programs continues to be a source of contention. Supporters of foreign assistance point out that aid programs represent a very small portion of the Federal budget or the gross national product (GNP) and that the United States has steadily fallen behind other donors of economic assistance in the percent of its GNP devoted to official development aid. For 1980 the United States ranked 13th among 17 major donors in terms of aid as a percent of GNP.[2] Critics charge, however, that the United States still provides the largest amount of economic aid, and that in any case, it is appropriate for other industrialized countries to assume a larger aid burden as they experience economic growth. Moreover, critics contend that it is irresponsible not to make large cuts in foreign aid at a time when domestic programs promoting the well-being of Americans are being significantly reduced.

The proper allocation of economic and military resources within the overall foreign assistance program is a source of much controversy. Most supporters of foreign aid generally favor a balance between the two types of aid. They state that while military aid may be important to U.S. security interests, the political instability that may lead to military conflict within developing nations is often the result of economic and social pressures that can be relieved with development assistance. If opponents of foreign aid support any aspect of the program, it is generally the security-related matters that they feel help further U.S. defense and security interests. Often, critics seek increases in the military aid related parts of the legislation—sometimes at the expense of economic programs. Frequently, though not always, strong opponents of military aid favor economic aid.

An additional point of controversy concerns the amount the United States should channel through multilateral agencies in support of development objectives. Proponents of multilateral aid welcome the multiplier effect elicited by the contributions of other nations to multilateral agencies. They also assert that these multilateral agencies

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[1] For example, on votes concerning final passage of foreign assistance appropriation bills during the period 1976–80, Senate Democrats supported the bills by margins of over 2 to 1 while about equal numbers of Senate Republicans and southern Democrats voted for and against these measures. In the House, Democrats approved the bills by about a 2 to 1 majority while Republicans opposed the appropriations by about a 3-to-2 ratio. Usually two-thirds of southern Democrats in the House voted against these bills. (Source: Congressional Quarterly Almanacs, 1976–80.)

[2] Organization for Economic Cooperation and Development. Development Cooperation, 1981 review, p. 174.

return large amounts of money to the American economy when they purchase goods and services from U.S. suppliers. Opponents, however, charge that the United Stataes does not maintain adequate control over the operations of the multilateral agencies and that, sometimes, these institutions work against the interests of the United States. Some believe that the political gains of foreign aid can be more effectively achieved through bilateral programs.

These traditional issues that have stymied past foreign aid bills were again part of the congressional debate in 1981. While arguments over these points have often led to stalemate and inaction by Congress, it was principally around these issues that coalitions formed, eventually leading to passage of the 1981 aid bills. Participants in the foreign aid debate skillfully constructed compromises between Democrats and Republicans, liberals and conservatives, and Congress and the Executive, so that a majority could find sufficient reason for supporting the foreign aid parkage.

Administration Request, Reconciliation, and Other Issues Related to the Budget Process

THE REQUEST

When members of the Reagan administration drew up their first foreign aid budget during January and February 1981, they had to present Congress with a plan that Democrats and other frequent supporters of foreign assistance could endorse while at the same time include features that would elicit Republican support for the request. For many Republicans, this support would be the first time they had ever voted in favor of a foreign aid bill. President Reagan hoped to maintain the support of the Democrats with a request for modest increases in bilateral economic aid and sufficient funding for both the World Bank and its soft loan affiliate, the International Development Association (IDA). This course would also avoid the possibility of having to renegotiate the terms of the sixth replenishment of IDA. To attract members of his own party, President Reagan increased the share of the foreign aid budget for security assistance, a program he closely linked with U.S. defense policy. In making his first appearance before the House Appropriations Subcommmittee on Foreign Operations, Secretary of State Alexander Haig stated, "I referred a moment ago to the President's proposals for reconstituting America's defense capabilities. Our security assistance program goes hand in hand with this effort and must enjoy equal priority." [3]

The prospects for building a coalition of Republicans and Democrats got off to an inauspicious beginning when press reports indicated that OMB Director David Stockman was lobbving the White House to reduce the foreign aid budget by $2.6 billion below the amount requested by President Carter. Only $100 million of the $2.6 billion cut was to be taken from security assistance. Mr. Stockman argued that the Carter budget called for such large increases for fiscal year 1982 that Congress, under normal conditions, would not sup-

[3] U.S. Congress. House. Committee on Appropriations. Foreign assistance and related programs appropriations for 1982. Hearings. 97th Cong., 1st sess. (Part 2), Apr. 28, 1981. Washington, U.S. Government Printing Office, 1981, p. 97.

port this amount and that "if Congress is to be persuaded to adopt severe reductions in domestic programs, proposing such increases is out of the question." [4] In recommending the reduced levels, the OMB narrative stated the following priorities: "Every major program should take some reduction; bilateral aid has priority over multilateral aid programs; security assistance has priority over development assistance." Specifically, the major policy changes in the OMB proposal would have revoked the U.S. pledge to contribute $3.2 billion to IDA for the 1981–83 period; reopen negotiations with other donors to reduce the contribution by half; terminate future U.S. contributions to concessional MDB's after current formal commitments had been paid; hold bilateral development assistance in fiscal year 1982 to current levels followed by 3 percent growth during fiscal years 1983–85; phase out the Public Law 480 food credit sales program (titles I and III) by fiscal year 1984; and reduce volunteer levels for the Peace Corps by 25 percent.[5]

This proposal came under immediate fire in Congress. House Foreign Affairs Committee Chairman Clement Zablocki characterized the OMB plan as:

> * * * not merely the work of an overzealous budget cutter who has been in office barely a week. They [the cuts] are irresponsible in terms of the U.S. national interest. They could have been conceived only by persons who do not comprehend the role and interests of the United States in world affairs and how they are served by U.S. assistance programs.[6]

It is highly unlikely that traditional backers of foreign aid in Congress would have supported such a package had this recommendation been adopted.

Protests over the OMB proposal also came from the State Department and many Western donor nations. Secretary of State Haig was able to block a decision on the Stockman plan until his agency could assemble a reply.[7] By mid-February, a compromise had been reached which included a $1.6 billion reduction from the Carter budget but, importantly, did not immediately alter the fundamental direction of American foreign assistance programs.

Under the new plan, all existing U.S. commitments to the multilateral development banks, including IDA, would be met, but payments would be spread out over a longer period of time than originally envisioned. Bilateral development assistance was still scheduled for a cut of 23.6 percent from the levels proposed in the Carter budget. However, most of the savings were to be made by deferring new obligations to future years rather than by eliminating existing development projects. Only the so-called "Leadership Package" for new projects, primarily in Africa, was totally dropped; but even this initiative, priced originally at about $700 million, had been trimmed down to $230 million by OMB under the Carter administration. Under the Reagan proposal, economic aid activities would still receive a 15.3-percent increase over fiscal year 1981.

The critical feature of the compromise reached between OMB and

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[4] Unpublished OMB document on foreign aid retrenchment prepared on Jan. 27, 1981.
[5] Ibid.
[6] Zablocki, Clement. Proposed OMB foreign aid reductions. Remarks in the House. Congressional Record, vol. 127, Jan. 29, 1981 : H266.
[7] Goshko, John M., and Robert Rowen. Haig and U.S. allies thwart Stockman's planned aid slash. Washington Post, Jan. 31, 1981 : 1.

the State Department was that it included the elements necessary to appeal to the major concerned interest groups in Congress sufficiently so that a constructive dialogue, both within Congress and between the executive and legislative branches, could begin. A comparison of the President's March budget request with the fiscal year 1982 Carter budget and the fiscal year 1981 program is set out below.

COMPARISON OF FISCAL YEAR 1982 AND FISCAL YEAR 1983 BUDGETS SIZE OF FOREIGN AID PROGRAMS

[Dollar amounts in millions, fiscal years]

				Reagan budget (in percent)	
	1981 actual	1982 Carter	1982 Reagan [1]	Increase/ decrease from 1981	Increase/ decrease from Carter
Bilateral development aid	$1,275.9	$1,982.5	$1,513.8	+18.7	−23.6
MDB's	[2] 1,003.6	2,414.4	1,478.4	+47.3	−38.8
Public Law 480	1,229.0	1,263.1	1,163.1	−5.4	−7.9
International organizations [3]	210.4	247.7	215.0	+2.2	−13.2
IFAD	0	85.0	45.0	----------	−47.6
Peace Corps	105.0	121.9	95.0	−9.5	−23.2
AID expenses	300.6	350.9	343.6	+14.3	−2.1
Refugee aid	490.7	610.6	568.1	+15.8	−7.0
Other	159.6	93.2	84.2	−47.2	−9.7
Economic aid subtotal	4,774.8	7,169.3	5,506.2	+15.3	−23.2
ESF	[4] 2,104.5	2,431.5	[4] 2,681.5	+27.4	+10.3
Military and related aid:					
Budget authority	663.6	938.2	1,679.9	+153.1	+79.1
Program size [5]	(3,209.8)	(3,869.1)	(4,252.5)	(+32.5)	(+9.9)
Security aid subtotal	2,768.1	3,369.7	4,361.4	+57.6	+29.4
Total	7,542.9	10,539.0	9,867.6	+30.8	−6.4

[1] Initial request made March 1981.
[2] Includes a fiscal year 1981 supplemental appropriation of $518,000,000 for the International Development Association and the African Development Bank.
[3] For purposes of comparison, the figure for the fiscal year 1981 continuing resolution does not include $52,000,000 for UNRWA which was requested under the migration category in fiscal year 1982.
[4] Includes funds for Central America appropriated in fiscal year 1980 but obligated in fiscal year 1981.
[5] Includes $100,000,000 supplemental request for Pakistan submitted April 1981.
[6] Program size of military and related aid includes the aggregate ceiling placed on U.S. foreign military sales (FMS) loan guarantees and credits. Only FMS direct credits (concessional loans) require new budget authority and appropriations and this amount is reflected in the line above.

Source: Agency for International Development and Defense Security Assistance Agency.

While the Reagan compromise budget included at least small increase for development programs, it also provided a significant boost for the security assistance categories, economic support fund (ESF) and military aid. These components were presented as the links between foreign aid activities and efforts to improve U.S. defense capabilities. As such, they were expected to help persuade past congressional opponents of foreign aid to support the President's program. Not only would security assistance receive large dollar increases, but it would also gain a greater share of the total foreign aid budget. On-budget military aid activities increased under the compromise budget from 8.9 percent of foreign assistance in fiscal year 1981 to 17 percent in fiscal year 1982, while the economic-oriented programs fell from 63.3 percent of the total in 1981 to 55.8 percent in fiscal year 1982. The other major category, ESF, included in security assistance programs, remained constant, taking 27 percent of the budget in fiscal year 1981 and fiscal year 1982.

The President's draft foreign aid legislation also included a number of policy changes closely associated with the security assistance por-

tions of the budget request. The request called for nearly $1 billion in foreign military sales (FMS) direct credits to permit the extension of low (about 3 percent) interest loans to 15 developing countries of special interest to the United States. Another $500 million credit was included for Israel on a "repayment waived" basis; prior to fiscal year 1982, Israel had been the only recipient of FMS direct credits. The President also sought the creation of new unallocated special requirements funds for military aid ($100 million) and ESF ($250 million) in order to respond quickly to emergency situations rather than having to resort to the more time-consuming methods of requesting additional aid or utilizing reprograming and transfer authorities. Authorization was also requested for the establishment of a special defense acquisition fund, to be capitalized on a revolving basis, to stockpile military equipment commonly procured by foreign nations. Buyers would be able to receive the items quickly without having to deplete U.S. stocks and possibly diminishing America's own defense readiness.

Finally, the President asked for the repeal or modification of a number of provisions prohibiting U.S. aid and arms sales to Argentina, Pakistan, and factions in Angola. In response to alleged human rights violations by the Government of Argentina, Congress had approved a ban on ESF, military, and peacekeeping assistance and had prohibited U.S. Government and commercial arms sales to Argentina beginning with fiscal year 1979. In seeking the repeal of these prohibitions, the administration argued that human rights conditions in Argentina had improved significantly and that it was in the interest of the United States to improve relations with this important Latin American nation. The executive branch also pointed out that other nations, particularly France, had replaced the United States as the primary supplier of arms for Argentina and that commercial interests in the United States strongly supported the removal of this ban.

The Symington/Glenn amendments that were passed in 1977 and 1978 (sections 669 and 670 of the Foreign Assistance Act of 1961) to prohibit aid and arms sales to nations involved in the transfer of nuclear materials or the detonation of nuclear devices effectively blocked American assistance to Pakistan. The amendments required the President to certify, among other things, that "he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so." Various sources indicated that Pakistan was actively pursuing the development of nuclear weapons. After the Soviet invasion of Afghanistan raised the level of importance of Pakistan to U.S. national security, the Carter and Reagan administrations sought to bolster the economic and military strength of Islamabad. However, the President could not make the certification required by the Symington/Glenn amendment and therefore sought modification of this provision so that Pakistan would be eligible for U.S. aid.[8]

Since 1976, the Clark amendment had blocked American assistance which would have the effect of supporting military or paramilitary operations by any group in Angola. Supporters of the Clark amendment intended that the United States would not become involved

[8] See separate chapter for a detailed discussion of congressional action on aid to Pakistan and El Salvador.

militarily with anti-Marxist factions in Angola possibly leading to a large-scale U.S. participation in internal strife in that nation. Although the administration proposed no assistance for fiscal year 1982 to any groups operating in Angola, President Reagan asked Congress to repeal the Clark amendment as part of an effort to remove all country-specific prohibitions on U.S. foreign aid policy.

Two other policy issues related to country aid prohibitions also developed during the course of congressional debate. Troubled by a growing U.S. supply of military aid to El Salvador, members of the House Foreign Affairs and Senate Foreign Relations Committees voted, over the objections of the administration, to place conditions on U.S. aid to El Salvador.[8] Later in the debate, Senator Jesse Helms proposed an amendment to lift prohibitions on aid and arms sales to Chile. Congress had established this ban in 1976 because of concern over alleged human rights violations by the Chilean government. Senator Helms, with the support of the administration, contended that the human rights situation was much improved and that as in the case of Argentina, it was important for the United States to improve relations with Chile. Both of these congressional initiatives played a large role in reaching the final compromises on the foreign aid authorization bill in December.

Foreign Aid Legislation

Congress acted upon foreign aid issues through a number of legislative vehicles. The primary authorization measure was the International Security and Development Cooperation Act of 1981 (H.R. 3566/S. 1196) that provided funds for fiscal year 1982 and fiscal year 1983. Congress approved S. 1196 on December 16, 1981, and it became Public Law 97–113 on December 29.

Appropriations for foreign assistance were in H.R. 4559/S. 1802. Congress approved H.R. 4559 on December 16 and it became Public Law 97–121 on December 29. Prior to passage of H.R. 4559, foreign assistance programs for fiscal year 1982 operated pursuant to three continuing appropriation resolutions beginning on October 1.

In addition to these major bills, foreign assistance activities were authorized or appropriated in several other measures. Additional appropriations for IDA and the African Development Bank were included in the fiscal year 1981 Supplemental Appropriations Act (H.R. 3512, Public Law 97–12). The Senate passed and the House Banking Committee ordered reported separate legislation to authorize funds for IDA and the African Development Bank. These authorization provisions were incorporated into the Omnibus Budget Reconciliation Act (H.R. 3982, Public Law 97–35), legislation that also placed spending ceilings on various foreign aid programs.

Congress passed an extension of the Food for Peace program (Public Law 480) in the Food and Agriculture Act of 1981 (H.R. 3603/S. 884, Public Law 97–98), and fiscal year 1982 appropriations for Public Law 480 were included in the Agriculture Appropriation Act (H.R. 4119, Public Law 97–103). Finally, Congress authorized $125 million for U.S. participation in the multinational force and observation group in the Sinai with passage of Senate Joint Resolution 100 (Public Law 97–132). A chart showing congressional progress in the major bills throughout 1981 is set out below.

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TIME SEQUENCE OF MAJOR FOREIGN AID LEGISLATION IN 1981

January	February	March	April	May	June	July	August	September	October	November	December
SUPPLEMENTAL APPROPRIATION ACT, FY81 (H.R. 3512, P.L. 97-12)											
			H. App. Comm. repts. H.R. 3400 /	S. App. Comm. repts. H.R. 3512 /	Conf. rept. approved /						
				House passes H.R. 3512 /	Senate passes H.R. 3512 /	Pres. signs H.R. 3512 /					
INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981 (H.R. 3566/S. 1196 P.L. 97-113)											
Pres. Carter sumits FY82 budget /		Pres. Reagan submits FY82 foreign aid budget /		S. For. Relations Comm. repts. S. 1194 /				Pres. Reagan submits revised FY82 budget /	Senate passes S. 1194 /		House passes S. 1196 / Pres. signs Act /
				H. For. Affairs Comm. repts. H.R. 3566							Conf. rept. approved

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FOREIGN ASSISTANCE APPROPRIATIONS ACT, FY82 (H.R. 4559/S. 1802, P.L. 97-121)

Pres. Carter submits FY82 budget

Pres. Reagan submits FY82 foreign aid budget

H. App. Comm. repts. H.R. 4559

1st Cont. App. (CRA) approved

S. App. Comm. repts. S. 1802

2d CRA approved

House passes H.R. 4559

Conf. rept. approved

Pres. Reagan submits revised FY82 budget

Sen. passes S. 1802

3d CRA approved

Pres. signs Act

MULTILATERAL DEVELOPMENT BANKS AUTHORIZATION (H.R. 3439, S. 784, AND S. 1195; INCORPORATED INTO OMNIBUS BUDGET RECONCILIATION ACT)

Sen. For. Relations Comm. repts. S. 784

H. Banking Comm. orders reported H.R. 3439

Senate passes S. 1195

Senate passes S. 784

Sen. For. Relations Comm. repts. S. 1195

OMNIBUS BUDGET RECONCILIATION ACT (S. 1377 AND H.R. 3982, P.L. 97-35)

Sen. Budget Comm. repts. S. 1377

House passes H.R. 3982

Conf. rept. agreed to

Pres. signs Act

S. Budget Comm. repts. H.R. 3982

Senate passes H.R. 3982

The Budget Process and Reconciliation

For the second time since passage of the Congressional Budget Act of 1974, Congress was trying simultaneously to enact budget reconciliation and the first concurrent resolution on the budget for fiscal year 1982 rather than taking up the reconciliation measure at the appropriation phase of the budget cycle later in the year. However, 1981 marked the first time the principle foreign assistance authorizing committees—the Senate Foreign Relations, House Foreign Affairs, and House Banking Committees—participated in the reconciliation process at this stage.

Under reconciliation, the Congressional Budget Office (CBO) determines a "current policy baseline" funding level for each program in the budget, based on the previous year's spending and a variety of other economic and revenue assumptions. As part of the first concurrent resolution on the budget, Congress then instructs each of the authorizing committees to meet specified funding levels for the program within the jurisdiction of the particular committee. Only authorizations for programs set below the CBO baseline can be counted as "savings." Any activity funded above the baseline must be offset by equal "savings" in other programs in order to balance the figures.

Faced with the possibility of deep cuts in the international affairs budget area, supporters of foreign aid on the authorizing committees (House Foreign Affairs and Banking Committees and Senate Foreign Relations Committee) hoped to protect the funding for the program at two points. First, the committees, particularly in the House, promoted reconciliation decisions that would not seriously reduce foreign aid funding and, in some instances, might actually foster passage. The committees also looked for ways to recommend a foreign aid budget less than the Reagan administration request—providing important momentum for floor approval—but without drastically affecting the program. Ultimately, they were successful on both counts. In a year of overwhelming sentiment for budget austerity, foreign aid programs were only slightly affected, and in some cases, as will be explained, they were actually "saved" by the budget reconciliation process.

The first attempt to reduce foreign aid came early in the debate on the Senate version of the fiscal year 1982 budget reconciliation resolution (S. Con. Res. 9), when Senator Jesse Helms, chairman of the Senate Agriculture Committee, introduced an amendment to cut $900 million in budget authority and $200 million in outlays in fiscal year 1982 funds from programs under the jurisdiction of the Foreign Relations Committee. The Senator, whose amendment also added $200 million in fiscal year 1982 budget authority and outlays for domestic school lunch programs and for other domestic nutritional programs, clearly intended that the reductions should come out of foreign aid activities. Senator Helms also announced that he would attempt to transfer an additional $100 million out of the food for peace program (Public Law 480), which falls under the jurisdiction of his committee, to domestic nutrition activities. Although several Senators objected to the linkage between food and assistance for poor people overseas and food for the children and poor of America, there existed strong sentiment

in the Senate to restore money to popular domestic programs. As a result, the Helms amendment passed overwhelmingly 70–26.[9]

A subsequent amendment by Senator Boren would have transferred an additional $104 million in fiscal year 1982 outlays from foreign aid to veterans programs. However, following an appeal from Foreign Relations Committee Chairman Charles Percy, who argued that the Senate was "cutting the heart out of the President's [foreign aid] program", the Boren amendment lost on a 44–48 vote.[10]

As a result of both the Helms amendments and the overall activities of the Budget Committee, the Senate Foreign Relations Committee faced a total fiscal year 1982 reconciliation requirement to reduce the programs under its jurisdiction by $1.05 billion in budget authority and $301 million in outlays (actual expenditures). Most of these reductions would have to have been made in foreign assistance. This posed a serious problem, particularly for development assistance. Appearing before the committee on April 1, M. Peter McPherson, Administrator of the Agency for International Development (AID), termed the Helms amendment "disastrous," pointing out that bilateral development projects had a particularly slow outlay schedule and that the fiscal year 1982 proposed budget authority of $1,892 million contained only $150 million in new outlays. Mr. McPherson warned that the Helms amendment might require cuts in other programs which had a higher ratio of budget authority to outlays in order to comply with the reconciliation instruction. This might mean, for example, cutting the ESF account for Israel, since 100 percent of this budget authority level ($785 million) would translate into outlays in fiscal year 1982.[11]

However, the committee was able to avoid major reductions in the foreign aid program. During markup of the International Security and Development Cooperation Act of 1981 (S. 1196), the committee eliminated funds for the military special requirements fund ($100 million), trimmed back the ESF special requirements fund by $175 million, and reduced development assistance by $96 million—a total of $371 million.

The committee made its largest budget "saving" however, by manipulating the foreign military sales (FMS) direct credits account. The President's request included $1.482 billion for FMS direct credits ($500 million for Israel with repayment forgiven: $982 million for loans to 15 other nations at 3 percent interest) and $2.573 billion in FMS guaranteed loans (at market interest rates) for a total FMS program of $4.054 billion. Direct credits are concessional loans requiring the authorization of new budget authority while guaranteed loans are non-concessional and not included in the budget (off-budget). The committee moved one-half of the non-Israel FMS direct credits into the guaranteed loan category (off-budget) and changed the terms of the remaining direct credits from 3 percent loans to repayment forgiven. During markup, committee members noted that over the life of the loans, the economic effect on the recipient nations of paying back

[9] Budget Resolution of Reconciliation and Instruction. Congressional Record, vol. 127, Mar. 27, 1981: S2849–S2859.

[10] Ibid., pp. 2859–2865.

[11] U.S. Congress. Senate. Committee on Foreign Relations. Fiscal year 1982 economic assistance programs. Apr. 1, 1981. Hearings, 97th Cong., 1st sess. Washington, U.S. Government Printing Office, 1981, p. 34.

the loans would be about the same under either arrangement.[12] This maneuver allowed the movement of $491 million off budget and counted as a "savings" for the purpose of reconciliation. The total FMS credit program of $4.054 billion, however, remained at the requested level.

As a result of these and other decisions on State Department programs, the committee was able to meet the Senate reconciliation instruction with only modest cuts to foreign aid funding levels, without upsetting the balance between military and economic assistance, and without trimming aid levels to countries of particular interest to the United States. In addition, the committee was able to report out the aid authorization at a level that appeared to be $900.5 million below the President's request.

By comparison, members of the House Foreign Affairs Committee faced only minor problems with their reconciliation instruction; yet, they too sought to minimize changes in the foreign aid programs. The House-passed budget resolution called for savings of $250 million in budget authority and $130 million in outlays. The committee had already came close to meeting these targets during markups on State Department and foreign aid authorization legislation. By examining the CBO-set baselines, the committee realized that it had already made rather sizable "savings" in some programs without significantly reducing the amounts for these activities.[13] The committee met the reconciliation requirement and still managed to provide larger authorizations than those requested by the President in some areas such as international organizations, the Peace Corps, and development assistance.

Like the Foreign Relations Committee, the Foreign Affairs Committee also believed that reporting out an aid bill that was below the President's request would demonstrate its commitment to budget austerity. But, also like its Senate counterpart, it did not want to damage the program in the process.[14] The House committee bill of just over $6 billion fell $654 million under the administration budget request but still included increases over the President's budget of $100 million for bilateral development assistance, $40 million for international organizations, $12.5 million for American schools and hospitals abroad, $10 million for the Peace Corps, and $50 million in Israeli military aid.

As in the Senate, this seemingly contradictory situation was resolved through revised accounting procedures. The committee offset its increases and reported a bill $654 million below the President's request through "reductions" in two programs. The House Foreign Affairs panel transferred part of the recommendation for FMS direct credits (loans at 3 percent interest) into the off-budget FMS guaranteed loan category. Only one-fourth of the direct credits ($248 mil-

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[12] Unpublished markup session of the Senate Committee on Foreign Relations, May 11, 1981.

[13] For example, in fiscal year 1981, the international disaster account had received supplemental funding of $64 million (over its normal appropriations of $25 million) for victims of the Italian earthquake and for African refugees. Although no additonal emergencies were pending and the administration's budget called for $27 million for this account, CBO set the fiscal year 1982 disaster assistance baseline at $65.4 million in budget authority. The committee, which had already agreed on the $27 million figure, realized a "savings" of $68.4 million and applied it against the $250 million decrease required by the reconciliation instruction.

[14] U.S. Congress. House. Committee on Foreign Affairs. Foreign Assistance Legislation for Fiscal Year 1981 (part 9)—markup. Hearings, 97th Cong. 1st sess. Apr. 28, 1981. Washington, U.S. Government Printing Office, 1981, p. 1.

lion), excluding those for Israel, remained on-budget, and these were shifted over to the grant military assistance account. The committee reduced the administration's budget level by $684 million (after adding an extra $50 million for Israel) but did not lower the President's total FMS program.

The second program reduction concerned a $180 million request for the International Fund for Agricultural Development. The committee authorized the full amount but set a fiscal year 1982 appropriation limitation of $45 million and counted only this latter amount as new budget authority. The $135 million "reduction" in the President's request would be appropriated in subsequent years and have no effect on the amount of contribution since the administration already anticipated providing the funds in three annual payments. Although administration officials characterized these methods as budget cutting with "smoke and mirrors," the Foreign Affairs and Foreign Relations Committees were able to protect foreign aid from serious cuts while showing paper savings over the President's budget. They expected these "savings" to enhance the chances of approval on the Senate and House floors.[15]

International Development Association Replenishment

Reconciliation proved to be a far more serious and complicated test for one very significant foreign aid budget item, the $3.24 billion U.S. contribution to the sixth replenishment of the International Development Association [IDA VI]. Initially, the Carter administration had scheduled the IDA VI authorization for congressional approval in 1980, with the first of three equal appropriations expected to be passed for fiscal year 1981. However, sensing that IDA would likely face defeat in that election year, supporters in the House deferred consideration until 1981. The authorization for IDA and other multilateral development bank contributions,[16] which by March had the support of the Reagan administration, sped through the Senate and the House Banking Committee.[17]

[15] Arms aid faces Senate cuts: House panel ready to lift arms embargo on Argentina. Congressional Quarterly, vol. 39, May 9, 1981, p. 787.

[16] In addition to IDA, the administration requested new authorization for U.S. participation in several multilateral development banks. The proposed legislation would authorize the United States to join the African Development Bank which only became open for membership to non-African nations in 1979. The proposed authorization of $359.73 million ($89.93 million paid-in capital requiring appropriations and $269.8 million callable capital requiring a program limitation but no appropriations) represented a 17-percent U.S. share of the stock available to nonregional members.

In 1980 Congress authorized part of the new funding agreement with the Inter-American Development Bank [IDB] and its concessional affiliate, the fund for special operations [FSO], but a shortfall remained. The 1981 request of $274.9 million ($20.6 million paid-in capital and $254.3 million callable capital) for the U.S. contribution to the capital stock of the IDB and the $70 million (all paid-in) for the FSO would eliminate the shortfall.

Congress also refused in 1980 to authorize the full funding agreement for the Asian Development Fund, the concessional loan window of the Asian Development Bank [ADB]. In 1981 the President requested an authorization of $66.75 million (all paid-in) in order to make up the shortfall.

The administration also requested authorization for the United States to participate in the General Capital Increase [GCI] of the International Bank for Reconstruction and Development [IBRD]. This $11 billion capital expansion of the World Bank's hard loan window was designed to provide for a small growth in IBRD loan commitments through the mid-1980's. President Reagan sought an authorization of $8.76 billion ($658 million paid-in capital and $8.1 billion callable capital) which would provide for a U.S. subscription equaling 22 percent of the total. Although the GCI authorization represented the largest new U.S. subscription to the multilateral development banks in 1981, it evoked little controversy in Congress during a year in which IDA VI dominated the debate.

[17] Authorization for IDA and the African Development Bank (S. 786) passed the Senate on Apr. 29, 58 to 32; authorization for the other MDB's (S. 1195) passed the Senate on June 17, 65 to 27. The House Banking Committee ordered reported a single MDB authorization bill (H.R. 3439) on May 6.

Meanwhile, the administration attached an appropriation request for the first $540 million payment for IDA to the 1981 supplemental appropriations measure (H.R. 3512), subject to the passage of the IDA authorization bill. The IDA appropriation was reduced only a symbolic 1 percent in the House, but the Senate Appropriations Subcommittee on Foreign Operations cut the request by $132 million and notified the Senate that it would seek similar cuts for the fiscal year 1982 and fiscal year 1983 payments. Conferees finally settled on an appropriation of $500 million, a position much closer to that of the House, but Senate action and some House sentiment for deeper cuts served notice to proponents of IDA that completion of the IDA VI authorization and appropriation process would be long and difficult.

Still seeking the appropriate time to bring the IDA VI authorization to the House floor, the Banking Committee soon found the bill caught up in the larger reconciliation process. The reconciliation bill instructed the Banking Committee to make cuts of over $13 billion. This large reduction threatened funding levels of popular domestic housing programs as well as MDB contributions. In addition, the CBO deemed the IDA VI authorization to be a new program rather than a follow-on of past replenishments and therefore assigned it a $0 baseline, meaning it was considered a new program.

At this point the Banking Committee began to develop a strategy to reach two goals: To include at least some money in fiscal year 1982 for the IDA VI replenishment despite the CBO baseline, and most importantly, to attach the entire $3.24 billion authorization bill to the reconciliation measure. IDA supporters believed that the authorization would lose in the House if presented as a single issue, but that the omnibus reconciliation bill would almost certainly pass. Therefore, members of the Banking Committee planned to insert the IDA authorization bill and avoid a separate vote on IDA.[18]

Although Banking Committee members originally wanted $850 million for IDA in fiscal year 1982, pressures imposed by the baseline and the need to fund other programs under the committee's jurisdiction forced the committee to limit the amount to $298 million.[19] In recommending an appropriation limitation of $298 million for IDA in fiscal year 1982, the committee reduced the fiscal year 1982 funds for the other multilateral development banks by an equal amount. During the last minute maneuvering of replacing the Democratic-backed reconciliation bill with a Republican-sponsored alternative, House leaders of both parties agreed to permit the MDB authorizations and appropriation limitations, including IDA, to remain in the reconciliation measure. The House approved the bill (H.R. 3982) on June 26.

Discussion on the IDA funding then moved to the conference committee meeting on H.R. 3982. Although the Senate version of the reconciliation bill did not include any provision regarding the multilateral development banks, in earlier legislation the Senate had approved full funding of the MDB authorizations with no appropriation limitations on the schedule of U.S. payments. IDA supporters on the conference committee relied on the House-passed IDA language in the reconciliation bill to raise the issue of IDA.[20] They argued that

[18] Interview with Banking Committee staff member.
[19] Ibid.
[20] Ibid.

the Senate conferees should accept the full $3.24 billion authorization for IDA but should adopt the President's fiscal year 1982 appropriation request of $850 million rather than the $298 million mark set by the House. IDA proponents thus were able to gain approval of the IDA authorization and at the same time set a relatively large appropriation level for the fiscal year 1982 payment. The conference committee modified the administration's proposal for an appropriation of $1.89 billion for fiscal year 1983 by placing a ceiling of $945 million, but committee members approved both the $3.24 billion authorization and the $850 fiscal year 1982 appropriation mark. Both bodies passed the conference report to the Omnibus Budget Reconciliation Act of 1981 on July 31 without further controversy.

The protection of foreign aid programs during the reconciliation process was critical to eventual passage of the bills in December. Had funding levels for economic aid been reduced further during reconciliation, it is possible that the House would have refused to take up the bilateral aid authorization measure since the bill would have contained mainly administration-requested, military-related provisions that did not have strong backing among Democrats. However, with IDA saved by its inclusion in the omnibus reconciliation bill, bilateral economic aid retained at substantial levels, and security assistance programs expanded, a coalition of Members wishing to approve a foreign aid bill was held intact.

Delay

Following this flurry of congressional action on foreign aid legislation during May, June, and July, further progress on passage of the authorization and appropriation bills stalled. Because Congress focused its attention on budget and tax legislation during much of the summer, efforts to bring the Senate authorization bill to the floor before the August recess were unsuccessful. In the House, Chairman Zablocki insisted on active support from the administration in guiding the aid authorization bill through the House. He stated that he would not bring the measure to the floor until he had a list of 125 Republicans who would vote in favor.[21] The list was slow to materialize.

Movement on the appropriations bill began in June, but most observers felt there was little chance for final passage. The House Foreign Operations Subcommittee marked up the legislation on June 23 making large cuts in military aid programs (from $1,668 million to $623.5 million) but including the full $850 million for IDA VI. Meeting on September 22, the full committee restored $300 million in military assistance, mostly for Egypt, but reported a bill that still fell about $750 million below the President's March budget for concessionary military funding. As fiscal year 1981 ended on September 30, for the third consecutive fiscal year, the foreign aid program began the new year operating under a continuing resolution.

September Budget Revision

Faced with rising estimates of the fiscal year 1982 budget deficit, the President announced a new wave of budget cut proposals in late Sep-

[21] Congress to monitor arms for El Salvador, Argentina; Angola issue still in dispute. Congressional Quarterly, vol. 39, May 16, 1981, p. 850.

tember. He requested an across-the-board reduction for nondefense programs of about 12 percent.[22] However, the cuts proposed for foreign aid in some cases conflicted with priorities Congress had observed in the reconciliation process. (See table on p. 73 for revised budget figures). With few exceptions, the President recommended trimming economic programs below levels approved by the congressional committees. Although the administration now asked to cut IDA by only 3.5 percent to $820 million, this would have been $30 million less than the level set in the omnibus reconciliation bill and by the House Appropriations Committee.

The administration also requested cuts in security assistance programs but not below the levels set by the committees. The requested reductions for ESF and military assistance proposed by the administration generally reflected cuts already made by the authorization and appropriation committees and probably represented the highest levels the President could realistically expect. The revised budget scheduled a $150 million cut for ESF which would be taken from the unallocated special requirements fund. The original $250 million request for this ESF contingency fund had gathered little support within Congress and by September, $100 million appeared to be the best the President could hope for. Similarly, the administration proposed a cut from $100 million to $25 million for the military special requirements fund, since only one of the three committees had included even this limited amount in its reported bill. FMS direct credits fell from $1,481.8 million to $990.9 million in the revised budget. The off-budget FMS guaranteed loan category was increased by $490 million so that the total FMS program size remained at the March level of $4.054 billion. The administration's rearrangement of on-budget and off-budget FMS funds resembled actions taken by House and Senate committees in May that some executive officials had criticized.

The September budget revision added to the difficulties of congressional foreign aid supporters, particularly House Democrats, in several ways. First, more than ever before, Members were looking for ways to salvage popular domestic programs. Also, the President's new budget proposal included less for foreign aid than each of the three bills that had been reported. Finally, economic aid programs, popular with past supporters of foreign assistance, were now placed at levels barely above fiscal year 1981 funding (plus 2.8 percent) while military aid, often unpopular with these same members, would rise by 68 percent over fiscal year 1981.[23] Among the development programs, only the MDB's, especially IDA, were scheduled for substantial increases over the previous year (plus 38.5 percent). These changed funding levels, coupled with indications that House Members might offer floor amendments concerning the Clark and Symington/Glenn amendments and might attempt to reduce or eliminate committee-imposed restrictions on aid to El Salvador and Argentina, caused many House Democrats to question whether the foreign aid bills still merited their support. With many Republicans unwilling to vote in favor of any foreign

[22] U.S. Congress. Budget amendments, fiscal year 1982; Communication from the President. Washington, U.S. Government Printing Office, 1981. H. Doc. No. 97–94. Sept. 30, 1981.

[23] Excluding the supplemental request of $125 million in peacekeeping operations funds for the multinational force and observers for Sinai.

aid measure, no matter how much the President wanted it,[24] even a modest defection of House Democrats would have spelled defeat for the bill.

The Senate managed to make some progress on foreign aid authorizations and appropriations in October and November. On October 22, the Republican-controlled Senate approved S. 1196, the foreign aid authorization measure, 40 to 33. The bill came very close to matching the amount requested by the President in the September budget and included nearly the full funding for security assistance now sought by the administration. In addition, with White House backing, it approved amendments which lifted the military aid and sales prohibition for Chile and weakened committee language on aid restrictions for El Salvador, Argentina, Pakistan, and anti-Marxist factions in Angola. Despite a bill which supported the President on most issues, 16 Republicans joined 17 Democrats to make the final vote relatively close.

In a highly unusual move, the Senate Appropriations Committee proceeded with consideration of the foreign assistance appropriations measure without waiting for House passage. Generally, appropriation bills originate in the House, and the Senate acts only after the House completes action. Many observers felt that Senate movement on the appropriations bill did not necessarily enhance its chances for final passage. Rather it was part of a strategy to fix Senate foreign aid funding levels prior to an upcoming conference meeting on the second continuing resolution for fiscal year 1982.[25] In this way, Senate conferees might strengthen their position vis-a-vis the House since the full Senate would have already gone on record supporting these figures.

Passed on November 17, the Senate's foreign assistance appropriation measure (S. 1802), included approximately the same amounts for military aid that were in the President's September budget revision, but provided considerably different levels for development assistance. The contribution for IDA was set at $532 million rather than the revised request for $820 million, and no funds were included to support the International Fund for Agricultural Development (IFAD). Senator Daniel Inouye, ranking minority member on the Foreign Operations Subcommittee, offered an amendment to increase the IDA VI amount to $820 million. Despite support for IDA from fellow Republicans and a letter from Secretary of Treasury Donald Regan endorsing the Inouye amendment, Foreign Operations Subcommittee Chairman Robert Kasten opposed the increase on budgetary grounds. However, after receiving assurances from Senator Kasten that he would approach the House/Senate conference with an open mind on the IDA issue, Senator Inouye withdrew his amendment so

[24] An early indication of this came on Sept. 17 when 131 House Republicans joined 95 Democrats to defeat a usually routine, noncontroversial State Department authorization bill, 165–226 (H.R. 3518), despite full support for the bill from the administration and most Foreign Affairs Committee Republicans. Second ranking Republican on the committee, Edward Derwinski speculated that many of the freshmen thought they were voting for the foreign aid bill.

[25] Destler, I. M. Reagan and Congress—lessons of 1981. Washington Quarterly. Spring 1981, p. 11.

as to "present a united front when we enter into conference with the House." [26]

The Second Continuing Appropriation Resolution

On the eve of congressional consideration of the second fiscal year 1982 continuing resolution (H.J. Res. 357), the Senate had passed foreign aid authorization and appropriation bills fundamentally compatible with White House recommendations. The one major exception was funding for IDA.

When House and Senate conferees met on November 20 to settle the differences over the second continuing resolution, they debated issues that had been near the surface for months—the appropriate balance of security and economic assistance as well as the overall size of the foreign aid program itself—but with an interesting reversal of traditional Democratic and Republican roles. The House-passed version of House Joint Resolution 357 set foreign aid at fiscal year 1981 levels or at the levels of the President's September request, whichever was lower. The Senate simply inserted the text of its appropriation bill (S. 1802) in the continuing resolution, thus providing approximately $1.2 billion higher in foreign assistance funding levels than the House bill. (There was some disagreement over exactly how much of an increase the Senate position required: statements on the House and Senate floors ranged from $1 billion to $2.5 billion.)

Traditionally, Democrats have supported larger foreign aid levels while Republicans have attacked what they saw as waste and unwise funding. However, Republicans were now placed in the position of justifying a $1.2 billion increase in foreign aid in the same continuing resolution that reduced domestic programs by $2 billion. House Democrats at the conference were willing to move toward the Senate total by agreeing to add $300 million in military assistance and $100 million for ESF.[27] However, they would go no further, and this compromise was reported back by conferees to their respective bodies. With President Reagan threatening to veto the bill because it did not cut into certain domestic programs deep enough, House Democrats and other traditional supporters of foreign aid quickly challenged what were seen as high levels of foreign assistance. A number of Members took the House floor on November 22 and 23 to denounce the President's recommendation to transfer cuts in domestic spending to increases for foreign aid. House Foreign Operations Subcommittee Chairman Clarence Long stated:

> The chairman [Appropriations Committee Chairman Jamie Whitten] took a very strong position and I think a wise position. That was when we are cutting all kinds of domestic programs that are very dear and important to the American people, it would have been unconscionable to have accepted a 20-percent increase in foreign aid in the continuing resolution.[28]

Congressman Norman Dicks remarked,

> I am also concerned about the priorities that are being demonstrated by this administration. Why is it that they want to spend $1.5 billion more than what

[26] Foreign Assistance and Related Programs Appropriations, 1982. Congressional Record, vol. 127, Nov. 17, 1981: S13520-24.
[27] Democrats use foreign aid in attacking Republicans on continuing resolution. Congressional Quarterly, vol. 39, Nov. 28, 1981, p. 2351.
[28] Conference report on House Joint Resolution 357, further continuing appropriations, 1982. Congressional Record, vol. 127, Nov. 22, 1981: H8783.

is in the continuing resolution for foreign aid money to Sudan, Oman, Pakistan, and other foreign countries while they want to cut money that is in the budget to take care of the 8.5 million unemployed Americans that have been put on the streets by the high-interest-rate policy of this administration and the Federal Reserve Board.[29]

The burden of supporting the higher foreign aid totals fell instead on the Republicans, most notably Jack Kemp, ranking minority member on the House Foreign Operations Subcommittee. Mr. Kemp did not directly address the issue of domestic spending versus foreign aid, but rather justified the higher spending levels on the grounds that "Security assistance programs are an integral part of the overall defense efforts in this country."[30] Senate Republicans were just as upset with House refusal to accept the higher foreign aid levels as House Democrats were with the domestic spending cuts. Senator Kasten, dismissing the charge that foreign aid would be increased at the expense of domestic programs, claimed that "the House position would jeopardize nearly every single bilateral relationship the United States has, particularly, and most distressingly, in every current critical area of U.S. foreign policy interests."[31] Throughout this debate, Republicans emphasized that security assistance programs were the most threatened by reduced levels of foreign aid, and did not mention IDA even though the Senate bill would cut the U.S. contribution nearly $300 million below the President's level.

Making good on his threat, the President vetoed House Joint Resolution 357, the second continuing resolution for fiscal year 1982, on November 23. Since the first continuing resolution had expired on Friday, November 20, all Government agencies which had not yet received fiscal year 1982 funding through a regular appropriations measure were technically out of money. The President claimed in his veto message that the bill passed by Congress was "budget busting" and would "set back our efforts to halt the excessive Government spending that has fueled inflation and high interest rates, and destroyed investments for new jobs."[32] Some Members contended, however, that House Joint Resolution 357 was in fact within the administration's budget figure but that OMB simply objected to some of the individual program changes made by House and Senate conferees. A few Members cited foreign aid as an example of legislative-executive disagreement over the proper funding level. In order to end this fiscal crisis for the Government, Congress immediately approved a modified continuing resolution, House Joint Resolution 368. This new measure simply extended the first continuing resolution (which generally funded programs at their fiscal year 1981 level) until December 15.

The response to the foreign aid stalemate by House Democrats was a challenge to Republicans and the administration to assemble a bipartisan coalition to bring the foreign aid appropriations bill to the floor

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[29] Dicks, Norman. Game of Budgetary "Chicken". Congressional Record, vol. 127, Nov. 23, 1981 : H8819.
[30] Ibid., H8784.
[31] Second continuing appropriations 1982—conference report. Congressional Record, vol. 127, Nov. 22, 1981 : S13953.
[32] Further Continuing Appropriations, 1982—Veto message from the President of the United States. Congressional Record, vol. 127, Nov. 23, 1981 : H8823.

through regular order. Representative Long, still angered over Senate initiation of the appropriation measure, contended that,

> The whole purpose of this continuing resolution is to carry on with the minimum needs of the Government and give the real incentive to get a bill * * *. If the gentleman [Mr. Kemp] is discontented with the sums of money provided here for all these requirements of Government, get behind the foreign aid bill. That is what we have been pleading with the gentleman for sometime * * *. I think the whole game was to get along with a backdoor foreign aid continuing resolution.[33]

Speaker of the House O'Neill stated he would get the normal foreign assistance appropriations bill to the House floor by December 15 when it would be up to President Reagan to round up sufficient Republican votes to guarantee its passage.[34]

In retrospect, the idea of placing the foreign aid bill into the continuing resolution was an attractive option for the President and not unlike the House Democratic tactic of including IDA authorization in the reconciliation bill. First, this omnibus continuing appropriation was certain to pass since it contained funding necessary for nearly every Federal agency to continue operations past November 20. More importantly, if the administration could quietly insert its foreign aid program into the continuing resolution, it would not be required to assume as high and as visible a profile in support of foreign aid during a time when it was also seeking deep cuts in domestic programs. Finally, the President would be spared the unpleasant task of calling on fellow Republicans to go on record and vote in favor of a foreign assistance measure. The President would be asking some to do this for the first time in their careers. However, the House Democrats, many having endured years of Republican criticism of high foreign aid spending, forced the administration and House Republican Members to take the lead in passage of the foreign aid bills.

Final Passage of the Authorization Bill

The continuing resolution debate, which resolved nothing in terms of settling foreign aid funding, helped both sides recognize their respective investments in enacting the foreign assistance authorization and appropriation bills. On the authorization measure, Chairman Zablocki and other Foreign Affairs Committee members sought to finalize the 2-year foreign aid authorization in 1981. This would avoid congressional consideration of the bill in 1982, an election year, and would at least provide minimum levels of economic aid which might be the target of more severe cuts in 1982 if the current budget austerity mood broadened. The administration, on the other hand, recognized that it had achieved qualified victories at the committee level in the lifting of country aid prohibitions and in establishing the Special Defense Acquisition Fund. Furthermore, it appeared likely that only slight cuts in military aid spending would be made. House Democrats needed the appropriation measure to get sufficient funding for IDA, while Republicans recognized that the President's security assistance proposal would be seriously under-funded without enactment of a regular appropriation.

[33] Congressional Record, Nov. 22, 1981 : H8785.
[34] GOP backing aided foreign aid success. Congressional Quarterly, vol. 39, Dec. 19, 1981, p. 2492.

While the President continued to press Mr. Zablocki to reduce the committee's authorization by $400 million, the committee chairman sought assurances from the administration that it would rally Republican support for the bill. The two sides agreed and it appeared that a coalition had formed to assure passage. Secretary of State Haig made a personal appeal before the House Republican Conference on December 8, and, in a letter to House GOP leader Robert Michel, President Reagan called the legislation "a requisite element of our foreign policy" which "represents a carefully balanced approach to economic and security assistance" and he urged its prompt approval.[35]

However, only a few days prior to House debate on the authorization bill, some Democrats began to voice strong opposition to an anticipated floor amendment from Representative Derwinski that would repeal the Clark amendment. If the Derwinski amendment passed, it appeared likely that enough Democrats would oppose the bill to defeat it. It was also possible that other amendments by liberal Democrats placing further restrictions on Presidential authority would cause some Republican supporters to change their minds and oppose the bill. In the end, leaders on both sides worked to convince their colleagues not to offer controversial or killer amendments that would cause the fragile coalition to disappear.[36]

Apparently the leaders were successful. Representative Stephen Solarz decided not to offer an amendment to prohibit aid to Guatemala that was strongly opposed by the White House. Other amendments anticipated from Republicans seeking to relax conditions on aid to El Salvador, Argentina, and Pakistan also did not materialize. Mr. Derwinski refrained from offering an amendment to repeal the Clark amendment—the one issue that some observers felt might bring the entire bill down—citing the "spirit of diplomacy, calmness, and other virtues which I see sweeping the floor."[37] In an unusually quiet debate, the House approved the authorization bill (H.R. 3566) on a 222–184 vote. Although Mr. Zablocki did not get 125 Republican votes, the 97 Republicans that did vote for final passage were nearly twice the number who voted in favor of the fiscal year 1981 foreign aid authorization bill (H.R. 6942).

During a hurried conference meeting that assembled only a few days before the Christmas recess, Senate Republicans refrained from raising the Clark amendment and the administration, which had been working hard throughout 1981 to repeal this provision, took no position on the issue. House Democrats, on the other hand, accepted the Senate provision on Chile and compromised further on some military-related issues, including the Special Defense Acquisition Fund. Thus, the bipartisan coalition which was pieced together around compromises on the size and balance of the foreign aid budget, conditions on assistance to certain countries, and the Clark amendment, held to approve the authorization bill on December 15 and 16.

[35] Letter of Dec. 8, 1981, from President Ronald Reagan to Representative Robert Michel.
[36] With little controversy House passes authorization for foreign aid programs. Congressional Quarterly, vol. 39, Dec. 12, 1981, p. 2436.
[37] International Security and Development Cooperation Act of 1981. Congressional Record, vol. 127, Dec. 9, 1981 : H9007.

Final Action on the Appropriation Bill

Following this bipartisan cooperation to obtain passage of the House authorization bill, debate on the appropriation measure erupted into a fiery display. However, rather than following previous patterns of sometimes hostile Democratic-Republican exchanges, House Democrats drew back and watched Republicans argue over the one issue upon which final passage of the bill hinged—IDA VI replenishment. Only days earlier, IDA supporters and Republican leaders had worked out a compromise appropriation of $725 million for IDA. Despite pleas from the administration and fellow Republican Members not to challenge this proposal, some House Republicans announced their intention to seek only a $520 million IDA appropriation. This was totally unacceptable to many House Democrats who threatened, in a "Dear Colleague" letter on December 9, that they would work to defeat the bill if substantial cuts in IDA or other development assistance funding were not matched by reductions in military aid. While these Democrats found fault with some appropriation levels in the bill, they found H.R. 4559, as reported, to be a "reasonable compromise" and to represent a 'balance between military and development assistance." They cautioned, however, that "*if that balance is altered by cuts in development assistance alone, we believe that the bill should then be defeated and would urge you to vote against final passage.*" (Emphasis in the original.) [38]

While Democrats, for the most part, sat on the sidelines during floor consideration of the bill, Republicans exchanged barbs during a debate reminiscent of past Democratic-Republican struggles. With Representative Mickey Edwards and John Rousselot supporting a floor amendment to reduce IDA to $520 million, Representative Jack Kemp, himself a former critic of foreign aid and IDA, was placed in the position of defending the higher IDA level for the sake of saving the bill. After reciting a long list of problems he personally had with IDA programs, Mr. Kemp pointed to the reason why IDA opponents should support the $725 million proposal:

> There will not be a bill this year if his [Mickey Edwards'] amendment passes * * *. As I said last night, there is no alternative to having a foreign aid bill because if you kill this foreign aid bill you are going to end up with a continuing resolution which guts the very programs the gentleman believes are important to the future of this country and the strengthening of allies and friends * * *.[39]

The irony of the situation was not lost on Mr. Kemp who argued that those favoring economic over security assistance would not suffer nearly as much under another stop-gap appropriation measure since "the continuing resolution would provide all but $100 million in new budget authority of the requested level of bilateral development assistance, but it would fall short of meeting our security assistance needs by $950 million." [40] Representative Kemp and other GOP members called on foreign aid critics to look past the IDA funding and other economic programs and to focus on the military and other security-related provisions that, they believed, were an integral part of the President's foreign and defense policies. In the end, the Kemp argu-

[38] Letter of Dec. 9 from 20 House Democrats.
[39] Foreign Assistance and Related Programs Appropriations bill, 1982. Congressional Record, vol. 127, Dec. 11, 1981: H9375.
[40] Ibid.

ments proved convincing as 113 Republicans joined 168 Democrats to approve the $725 million IDA compromise 281–114. Only 68 Republicans did not support Mr. Kemp. Final passage on the bill came an hour later on a 199–166 vote.

Differences between House and Senate-passed versions of the bill still persisted in conference and, for a time, threatened to kill the measure. The key differences between the two bodies were higher figures for economic aid and IDA in the House bill and larger military funding in the Senate bill. After House conferees could not agree among themselves on a mix of economic and military aid, Senator Inouye suggested the following: a slight reduction for IDA (to $700 million), the House-passed level for AID economic development programs, and an increase of $41 million in military assistance amounts in the House bill. Conferees immediately embraced this proposal and the last major obstacle to passage of the appropriation bill was removed.

In the waning hours of the session, Congress was able to complete action on the foreign aid authorization and appropriation legislation. This success was made possible only by unexpected cooperation and compromise between Congress and the administration, the House and the Senate, Democrats and Republicans, liberals and conservatives, Members who favored economic foreign assistance and those who favored military assistance, and between Members who favored bilateral assistance and those who favored multilateral aid. A diverse group of Members and committees effectively used budget procedures and legislative tactics to balance the provisions of these bills without undercutting the positions of key supporters. Many of the foreign aid issues that Congress considered in 1981 are debated every year. Future combinations of forces may yield very different results, or may be unable as in past years to reach agreement on the foreign aid bills.

FISCAL YEAR 1982 FOREIGN AID FUNDING LEVELS

[In millions of dollars]

	Administration request, March 1981	Revised request, Sept. 30, 1981	Authorization	Appropriation
Bilateral development aid	1,513.8	1,317.5	1,388.7	[1] 1,395.9
MDB's	1,478.4	1,389.8	[1] 1,478.3	1,261.6
Public Law 480	1,163.1	1,023.5	[2] 1,301.8	1,000.0
International organizations	215.0	189.2	218.5	215.4
IFAD	45.0	39.6	40.5	0
Peace Corps	95.0	83.6	105.0	105.0
AID operating expenses	343.6	317.0	335.5	331.0
Refugee aid	568.1	504.1	[3] 546.5	503.0
Other	84.2	77.7	101.7	95.7
Economic aid subtotal	5,506.2	4,942.0	5,519.7	4,907.6
ESF	2,681.5	2,548.5	2,623.5	2,576.0
Military and related aid	1,679.9	1,204.4	1,224.5	1,104.0
FMS guaranteed loans	(2,572.6)	(3,063.5)	(3,269.5)	(3,083.5)
Security aid subtotal	4,361.4	3,788.9	3,848.0	3,680.0
Total	9,867.6	8,730.9	9,367.7	8,587.6

[1] Authorization of funds and appropriation ceilings for fiscal year 1982 are contained in Public Law 97–35, the Omnibus Budget Reconciliation Act of 1981. This figure also includes estimated expenditures from prior authorizations not specified in Public Law 97–35.

[2] This amount was included in Public Law 97–35, the Omnibus Budget Reconciliation Act of 1981, as an appropriation ceiling for fiscal year 1982.

[3] Legislation authorizing refugee aid did not receive final action in 1981. This figure represents the midpoint between the amounts contained in the Senate and House-passed authorization bill (S. 1193).

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Part II. The Congressional Role in Shaping Foreign Policy Around the World

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PART II. THE CONGRESSIONAL ROLE IN SHAPING FOREIGN POLICY AROUND THE WORLD

The four papers in part II discuss geographic areas that were centers of congressional action during 1981.

Three chapters focus on the congressional role in the Middle East: (1) shaping a capability to intervene militarily in the Persian Gulf; (2) United States-Israeli relations; and (3) security assistance to Pakistan. The sale of AWACS to Saudi Arabia is discussed in part I as one of the major executive-legislative confrontations of the year.

The second major focus of congressional action during 1981 was Latin America and the Caribbean. The last paper deals with U.S. policy toward El Salvador, a country in which guerrilla or civil warfare created headlines throughout the year. Other countries in the region also received particular attention. Congress repealed section 620B of the Foreign Assistance Act which prohibited security assistance and sales of military equipment to Argentina, but it required in advance of any assistance a Presidential certification that the Government of Argentina had made significant progress in complying with human rights standards.[1] Similarly, Congress repealed limitations on assistance to Chile but required a Presidential certification in advance that the Government of Chile had made progress in complying with standards of human rights and that it was not aiding or abetting international terrorism.[2]

Outside of the geographic regions discussed in this volume, Congress was probably most concerned with policy toward the Soviet Union and Eastern Europe. Continuing the determination shown in 1980 to strengthen U.S. military forces to discourage Soviet aggression, Congress strongly supported President Reagan's defense program by passing a defense appropriations bill totaling $199.9 billion—99.5 percent of the President's October request.[3]

Poland was also of major concern to Congress throughout 1981. The Polish Government imposed martial law on December 12, 1981, in an attempt to end the unrest apparent since mid-1980. Both Houses of Congress immediately passed resolutions reaffirming support for the people of Poland, as the President announced at the end of the year that the United States would impose certain economic sanctions on the Soviet Union for its role in the Polish crisis.

For Africa and Asia the foreign aid legislation, discussed earlier in part I, was the major vehicle for congressional influence on policy. Congress provided a total of $1,046 million in assistance for Africa, including $854 million for economic assistance and $192 million for military assistance. The prohibition against aid to Angola without congressional authorization was maintained. Congress also provided

[1] Sec. 725, Public Law 97–113.
[2] Sec. 726, Public Law 97–113.
[3] Public Law 97–114, Department of Defense Appropriations Act, 1982.

$1,272 million total assistance for Asia, including $928 million in economic assistance and $343 million for military assistance.[4] These levels maintained approximately the same relative share of assistance for these regions as in previous years.

[4] Totals rounded. From table, U.S. Economic Assistance, Military Assistance, and Credit Sales, Fiscal Year 1982 Estimated Programs. Presentation book, p. 487.

CONGRESSIONAL ROLE IN SHAPING THE U.S. CAPABILITY TO INTERVENE MILITARILY IN THE MIDDLE EAST*

Overview

The Iranian revolution in 1978, followed by seizure of the U.S. Embassy, and holding of U.S. diplomatic personnel as hostages for over a year, and the Soviet invasion of Afghanistan in 1979, prompted planning by the Carter administration to prepare U.S. forces to respond militarily to threats to U.S. interests in the Persian Gulf region. President Carter began, and President Reagan continued, negotiations for privileges to use regional air and sea port facilities and other dispensations needed for sustained military operations in this new U.S. military theater.

The Reagan administration, in 1981, proposed to accelerate and greatly expand these military preparations by: (1) reallocating substantial air and ground forces away from their previous Europe-reinforcing role to the rapid deployment force which they proposed to orient entirely toward Southwest Asia; (2) augmenting strategic air and sea lift forces and prepositioned material to provide greater strategic mobility; and (3) increasing the Navy's offensive striking capability to enable the United States to threaten the Soviets globally while maintaining naval deployments in European and East Asian waters and in the Southwest Asian region.

The Reagan administration's strategic concept for the Middle East was enunciated late in the first session of the 97th Congress to the Appropriations Committees in context of some defense budget amendments. Presented as a defense appropriation measure, it was not dealt with by congressional committees traditionally involved in foreign policy matters, and its foreign policy implications may not have been fully recognized while Congress was appropriating most of what the President requested. This chapter examines congressional action in 1981 that addressed the Presidential initiatives to maintain and expand the U.S. military presence in the Persian Gulf region, including actions intended to establish secure lines of communication from the United States to sustain military operations there, and seeks to relate these funding requests to their underlying policy initiatives.

Congressional action on the President's budget requests in 1981 took place in the context of events that kept the Middle East in the headlines most of the year, such as the assassination of President Sadat, Israeli bombing of the Iraqi nuclear reactor installation, the President's proposal to sell AWACS aircraft to Saudi Arabia, the Israeli bombing of the Palestine Liberation Organization PLO positions in Beirut, the crisis over Syrian bases in Lebanon, and the shoot-down by U.S. Navy aircraft of two Libyan jets. Although these events are not treated here,

*Prepared by Alva M. Bowen, Jr., Specialist in National Defense.

the reader should keep in mind the turbulent situation in the region during which the issue of U.S. military commitment was before the Congress.[1]

Opposing Views on the Need for a U.S. Capability To Intervene Militarily in the Middle East

Early in 1942, when the strategy for winning World War II was being decided, Franklin Roosevelt proposed, and Winston Churchill accepted, joint United States-British responsibility for the Atlantic and Europe, U.S. responsibility for the Pacific, and British responsibility for the Middle East and Indian Ocean. This successful division of responsibility recognized the prevailing relative interests of the two wartime allies in the various regions of the world.[2]

Subsequent to the war, declining British power forced them, in 1947, to surrender responsibility for supporting the Greek Government against a Communist insurgency. By the Truman Doctrine the United States accepted military and political responsibility for the Eastern Mediterranean and since 1947 has stationed a fleet there in earnest of the military commitment.[3] Adherence by Greece and Turkey to the NATO treaty in 1952 completed the formalities of the political commitment. Somewhat later, the U.S. Navy stationed a "Mid-East Force" consisting of a naval auxiliary and two destroyers in the region of the Persian Gulf. However, the United States continued tacitly to acknowledge Britain's primacy in guarding Western interests there.

In 1968 Britain announced a pull-out "east of Suez" but in this case no transfer of responsibility was acknowledged by the United States. At the time, the country was troubled and burdened by the Vietnam war and few wanted any extension of responsibility for another remote region of the world. Middle East oil was recognized as vital to the European and Japanese allies, but did not seem threatened, and it was generally agreed that the United States itself was not dependent on Middle East oil. President Nixon's foreign policy report to the Congress in 1970 did not address the Indian Ocean Littoral at all. In his 1971 report he discussed the Indo-Pakistani rivalry, but did not relate it to the Persian Gulf oil supply. Neither of these Presidential foreign policy reports discussed the impact of Britain's withdrawal from the region on the shaky CENTO Pact, of which the United States was not a member but which was once supposed to be the regional military barrier to Soviet moves into the Middle East. Articles at the time in foreign affairs and military journals about the power vacuum Britain's withdrawal would leave in the Indian Ocean region were challenged by Indian and other writers who believed regional powers should be left alone to work out the region's destiny. The eventual U.S. response to Britain's pull-out was the "twin pillar policy" wherein Iran and Saudi Arabia received special relationship status, assistance through technical support and arms sales to achieve lead-

[1] See chapters on Arms Sales to Saudi Arabia and Congress and Israel.

[2] Matloff, Maurice and Edwin M. Snell. U.S. Army in World II: Strategic Planning for Coalition Warfare, 1941–42. Office of the Chief of Military History, Department of the Army, Washington, D.C., 1953, pp. 165–168.

[3] On Mar. 12, 1947, President Truman sent a message to Congress asking for authority to provide economic assistance to Greece and Turkey and to detail American civilian and military personnel to those countries to underwrite the defense of those states against totalitarian regimes. In May 1947 Congress authorized aid for Greece and Turkey.

ership posture, and a military capacity to resist aggression in the region.

The Arab oil embargo and production cutback during the 1973 Middle East war provided a dramatic reminder of Western interest in an uninterrupted Middle East oil supply. Thereafter more attention was paid to potential threats to Western access to the oil. The collapse of the friendly regime in Iran beginning in 1978 and the Soviet invasion of Afghanistan in 1979 finally brought home to Americans the true significance of Britain's military pullout and forced U.S. policymakers to face up to the issue of who, in the West, would bear responsibility for oversight and, ultimately, defense of Western interests in the region.

Meanwhile, over the years since World War II, U.S. military capability waxed and waned due to changing perceptions of national responsibility and threat. Post-World War II demobilization was followed by a buildup intended to be able to deal simultaneously with a perceived Soviet threat in Europe, a Sino-Soviet threat in East Asia, and a contingency not involving the Soviet Union in some other region. U.S. armed forces, however, arguably never attained this capability. The Nixon administration in 1970 decided the Sino-Soviet split had reduced the threat to U.S. interests in East Asia.[4] Thereafter, incident to the U.S. withdrawal from Vietnam, military strength was allowed to decline to a nominal capability to deal with the perceived Soviet threat to Europe plus a contingency not involving the Soviets in some other theater. This was the capability which existed by the time U.S. policymakers began to feel a need to cover a Soviet military threat to Persian Gulf oil, and this capability was deemed inadequate by many policymakers. Seen in this light, the central issues connected with the proposed U.S. military policy for the Middle East revolve around global strategy and the overall U.S.-Soviet military balance.

But this is not the only perspective from which the proposed policy is viewed. To many observers the global frame of reference is so large that crucial local and regional factors may not be given enough weight by policymakers focusing on transregional affairs. In the Middle East, the Arab-Israeli dispute, the Indo-Pakistani rivalry, Arab socialism versus the conservative governments, Moslem fundamentalism versus westernization, nationalism, and a host of ethnic and territorial concerns are cited in this category. According to this view these factors constitute the most likely sources of crisis in the region and should shape the character of any U.S. military commitment, for if ignored, they might render such a commitment counterproductive. Nonmilitary measures, in their view, may generally be more effective than military force in dealing with these contingencies.

A third view asks why the United States should pick up a difficult and expensive responsibility which rightly belongs to the Europeans and Japanese. These allies have the financial resources necessary to preserve access to the oil which they need just as much or more than

[4] Statement by Secretary of Defense Melvin C. Laird before a joint session of the Senate Armed Services Committee and the Senate Subcommittee on Department of Defense Appropriations on the Fiscal Year 1971 Defense Program and Budget. Feb. 20, 1970. Department of Defense. Washington, U.S. Government Printing Office, 1970, p. 10.

does the United States, according to this view. But they have chosen other instrumentalities to influence events and preserve stability.

The Carter administration perceived a Soviet military threat to the West's access to Middle East oil after the invasion of Afghanistan and proposed to accelerate the development, started in 1977, of a "Rapid Deployment Force" (RDF) to meet it. That administration opened negotiations with various regional governments for transit rights, port visit arrangements and limited basing facilities that would permit insertion of such a force on short notice. The Carter administration's proposal could have been compatible with either of the first two views just described, although their position between the two was not made clear. During 1981 the Reagan administration unmistakably cast the problem in the global perspective. This latter assessment is summarized next.

The Reagan Administration's Strategic Concept

Defense Secretary Weinberger testified before the Appropriations Committees in September 1981 that the Reagan administration's top priority in defense was to do whatever was necessary to insure nuclear force parity, across the full range of plausible nuclear warfighting scenarios, with the Soviet Union. Concerning the general purpose forces, the administration intended to work steadily on expanding U.S. capabilities for deterring a global war with the Soviet Union, rather than confining U.S. planning to address only short wars in selected theaters. Secretary Weinberger expected this policy would lead to larger force requirements. The administration believed that "in a relative sense (although certainly not absolutely), the free world is better off with respect to likely threats in Europe and Northeast Asia * * * than we are with respect to Southwest Asia. * * *"[5] In Europe and Northeast Asia there were allies who could contribute more to the common defense. The administration also believed the U.S. Navy was relatively better prepared in defensive mission areas such as antisubmarine warfare, than in mission areas involving offensive operations.

These general perceptions guided resource allocations to general purpose force programs "somewhat away from the 'traditional' theaters of Europe and Northeast Asia, where relative threats are less and we have rich allies who can well do more in their own behalf; and toward defense of Southwest Asia, with its critical energy supplies, which is a mission only we have the ability to undertake in a major way."[6] According to the Secretary, three specific changes in purpose forces planning flowed logically from this change in regional priorities:

> (1) Substantial portions of U.S. ground and air forces were reallocated from their previous Europe-reinforcing role to the Rapid Deployment Force which was oriented entirely toward Southwest Asia. This was a reallocation, not an increase in force

[5] U.S. Congress. House. Committee on Appropriations. Subcommittee on Defense. Department of Defense Appropriations for 1982. Hearings, 97th Cong. 1st sess., part 9. Washington, U.S. Government Printing Office, 1981, pp. 8–9.
[6] Ibid.

structure, but according to the Secretary of Defense entailed some change in equippage and increased logistics support.

(2) Strategic air and sea lift forces were to be augmented, and material prepositioning and base facility improvements in Southwest Asia, initiated by the Carter administration, were being expanded and accelerated.

(3) U.S. Naval power was to be increased. In recognition of the inherent U.S. disadvantages on the ground in Southeast Asia, the Navy's offensive striking capability was to be augmented to enable the United States to threaten the Soviets with the prospects of a wider war if they began to get the upper hand there. The larger Navy would also better enable the United States to maintain naval deployments in European and East Asian waters and in the Southwest Asian region.

The budgetary implications of these changes resulted in a shift of funding from other general purpose force allocations to the Navy, to the Rapid Deployment Force and to Strategic Mobility Forces. According to Secretary Weinberger, these forces' share of the budget grew from 32 percent of the Carter 1981 and 1982 budgets to 43 percent of the Reagan additions to those budgets. Although this shift of funding was apparent in the Reagan amendments to the Carter budgets, the Reagan administration claimed inability to "price out" the full budgetary impact of its proposed changes in U.S. defense posture or to isolate the costs of the Middle East portion during the 1981 legislative year, which laid them open to complaints that they had no strategic basis for their budgetary requests.[7] However, on the basis of the strategic concept provided by Secretary Weinberger taken at face value, it is possible to examine congressional action on the individual parts of the administration proposal.

Congressional Response to Presidential Initiatives

Throughout much of 1981 Congress dealt with the budgetary pieces of the Reagan administration's proposed military commitment toward the Middle East without the benefit of a comprehensive administration statement defining its character or scope, or the planning assumptions on which it was based. The Reagan administration's strategic concept described in the preceding section was presented in September to the Appropriations Committees. About the same time, the Joint Economic Committee published a more detailed statement elicited from the administration through a written dialog.[8] By that time, most of the milestones in the 1981 appropriation cycle had passed. The discussion that follows shows Congress supported most of the President's budget request, but it would not be fair to conclude from this that Congress supported the Reagan strategic concept.

Strategic Force Initiatives

Middle East considerations did not figure prominently in congressional debate over Reagan administration strategic force initiatives in 1981. The subject is mentioned here only because the joint State/

[7] House Appropriations Committee. Hearings on 1982 Military Appropriations, 1982, part 9, pp. 7–11.

[8] U.S. Congress. Joint Economic Committee. JEC study warns of high costs of Reagan policy in Persian Gulf. Press release Oct. 6, 1981.

Defense statement to the Joint Economic Committee made the point that the nuclear balance between the United States and Soviet Union is a major part of the ultimate deterrence against Soviet aggression in the Middle East.[9] U.S. Presidents have invoked the strategic nuclear threat against Soviet moves toward the Middle East several times since President Truman forced Stalin to remove Soviet troops from Iran after World War II.[10] President Nixon is said to have placed U.S. nuclear retaliatory forces on alert as recently as the 1973 Middle East war. The Reagan strategic force initiatives presented in October 1981 as a budget amendment proved controversial for reasons of cost and disagreements over the technical approach. Congress appropriated most of the request, but attached some conditions. Because of these reservations, it was clear that the fiscal year 1982 installment on the total proposed $180.3 billion 5- to 10-year strategic program is not a commitment to approve the whole program.

Strategic Mobility for the Rapid Deployment Force

Requirements for sustaining military operations in the Persian Gulf region differ from those associated with NATO or East Asia. In those regions U.S. forces are in place, supporting and supported by powerful allies. They face potential adversaries across borders comparably free from natural obstacles, but allied governments enjoy a high degree of legitimacy. All three regions are overseas from the United States, but the NATO region and East Asia are directly accessible across oceans while sea and air routes to the Persian Gulf are necessarily circuitous and significantly longer. Friendly—not allied—governments in the Persian Gulf region are individually weak and face internal challenges that cause them to resist stationing U.S. military forces on their soil. The Soviet Union's military forces would face some natural obstacles trying to drive to the Gulf against any determined resistance, but the legitimacy of governments in the region is sufficiently tenuous that there is no assurance the Soviets would not be invited to intervene in a civil war and gain access in that way.

The rapid deployment forces concept avoids stationing sizable U.S. military forces in Middle Eastern countries, but requires pre-positioning equipment and supplies in the region for use by troops airlifted to the scene of a crisis. A limited amount of prepositioning material is already in place, in ships based at the U.S. facility at the Indian Ocean Island of Diego Garcia, but plans call for more prepositioning. (Some argue that prepositioning can be overdone: once in place, troops and material cannot easily be directed to another theater.) Substantial strategic airlift capability is also already in hand, consisting of about 77 C–5 and 234 C–141 aircraft, but these have been deemed insufficient by both the Carter and Reagan administrations, so additional aircraft have been proposed.

For sustained military operations, the huge amounts of equipment and supplies required must come by sea. Sealift additional to that required for storing and moving the prepositioned material has also

[9] Ibid., pp. 20–21.
[10] Memoirs by Harry Truman, vol. 2, Years of Trial and Hope. Garden City, N.Y., Doubleday and Co., Inc., 1956, pp. 93–95.

been proposed by both the Carter and Reagan administrations. Facilities for staging sea and airlifted material, such as the use of sea and airport facilities nearby, but not actually in the crisis zone, are being negotiated and will require some military construction.

Congress appropriated the following amounts for some programs that were RDF-connected in the fiscal year 1982 appropriation bill:

[In millions of dollars]

Program	Requested	Appropriated
SL-7 fast sealift ships, purchase and conversion (total of 8 ships)	$668.4	$307.6
Civil Reserve Air Fleet (CRAF)	47.7	47.7
C-X cargo aircraft (research and development)	169.7	0
Military construction: Persian Gulf/Indian Ocean	545.6	440.7

It should be noted that these programs included only very highly visible major procurement items. Although the overall cost of the RDF is expected to be much higher, it is difficult to isolate; other high-dollar programs intended for use by all general purpose forces also directly benefit the RDF. President Reagan's revised fiscal year 1981 and fiscal year 1982 budget submission also included another $2.5 billion clearly identified for the RDF. This amount was in addition to about $3.7 billion submitted by President Carter in his last budget, bringing the total requested for the RDF to $6.5 billion through fiscal year 1982.

Concerning the fourth item in the table, in the fiscal 1982 military construction appropriations bill—H.R. 4241—Congress approved the bulk of the administration's request. Most of the funds requested in fiscal 1982 were for ongoing projects that would be completed in later years. For most of the projects, the first installment was made in fiscal 1981, when Congress appropriated $259.2 million.

The remainder of the Rapid Deployment Force budget items, which may constitute the larger part, are not so readily identifiable. Since the President's fiscal year 1982 defense budget request fared well in the appropriations process—99.3 percent of requested funds were appropriated—it is likely that most of the RDF-related items were funded substantially as budgeted.[11] Although some high visibility items were debated in the Middle East context, it is doubtful if many other RDF-related requests received that kind of attention. The "guns versus butter" context in which the size of the defense budget was determined in 1981 was not particularly amenable to the kind of detailed scrubbing that would have been necessary for cuts of specific line items.

The Navy

Although one of the three fundamental reorientations in defense policy proposed by the Reagan administration is a buildup of the Navy, the fiscal year 1981 requests and appropriations for Navy ships

[11] The Congress appropriated $199.7 billion of the requested $200.9 billion in the defense appropriation bill for fiscal year 1982 and $7.1 billion of requested $7.3 billion for military construction.

and aircraft fell somewhat short of the amounts necessary to maintain the Navy at its present size, as shown in the table that follows:

[Dollar amounts in billions]

	Requested		Appropriated		Required to sustain present Navy	
	Number	Cost	Number	Amount	Number	Amount
Ships	9	$8.475	10	$8.819	18	[1] $10.5
Combat aircraft	191	6.241	191	6.097	180–200	6–7.0

[1] U.S. Library of Congress. Congressional Research Service. Shipbuilding Costs for General Purpose Forces in a 600 Ship Navy. Rept. No. 82-23F. Feb. 16, 1982.

However, the Reagan 5-year defense plan provided for substantial growth at considerable cost. The Middle East commitment contributed to the debate over the size of the Navy. According to Admiral Hayward, the Chief of Naval Operations, the Navy has a "three ocean commitment but a one and one-half ocean capability * * *." The "three ocean" capability that has emerged as the Reagan administration goal calls for a Navy of—nominally—600 ships, including 15 aircraft carrier battle groups. Various analyses have placed the cost of this expansion at about $80 billion for the ships—in addition to approximately $10.5 billion annual cost to sustain present numbers in the face of retirements—and some as yet undetermined amount for the additional air wings to complement the three additional carriers involved. Not the least controversial aspect of the Reagan administration goal for the Navy is their proposed shift toward higher cost units to improve the Navy's offensive posture. Although Middle East commitments presumably figured in the administration's goal-setting, debate in Congress on the fiscal year 1982 Navy appropriations centered mostly around technical issues.

As the preceding discussion shows, the policy implications of the President's defense budget were not searchingly debated during congressional action. The underlying strategic concept was not clearly presented until late in the appropriation cycle, and few spoke in the public record then. "Guns versus butter" considerations dominated the debate over the size of the defense share of the total budget and the relationship between foreign policy objectives and the character of the military force being structured received much less notice.

Unresolved Issues

A number of questions concerning the proposed U.S. military commitment toward the region of the Persian Gulf were not fully addressed during the first session of the 97th Congress. This section defines some of the most urgent which are expected to command attention during the second session.

The wisdom of reorienting U.S. force posture away from "traditional" theaters of Europe and Northeast Asia

Can a new theater in Southwest Asia be safely covered by shifting assets from other theaters? Do U.S. allies in the "traditional" theaters

of Europe and Northeast Asia agree that the threat in Southwest Asia requires the proposed shift of U.S. military resources to that theater, and are they prepared to accept increased responsibility for defense of their own regions? The European and Japanese allies recognize that they are vulnerable to disruption of Persian Gulf oil supplies, but it is not certain they want the United States as their proxy defender in the Middle East. The United States has had policy differences with its allies over the nature of the threat to their oil supply and how to deal with it. In the opinion of some analysts in the United States the allies are reluctant to support military programs in the Middle East, which they view as potentially destabilizing, but favor economic and political means to insure access to the oil. To what extent this reluctance stems from unwillingness to assume a larger share of defense in their own regions is uncertain. Pressure is building within the U.S. Congress for these allies to assume a larger share of the mutual defense burden, but neither the Europeans nor the Japanese have readily responded to it. Finally, not all U.S. policymakers agree that U.S. forces may safely be diverted from Europe or Northeast Asia to man the new theater. Trying to cover three theaters with a one and one-half theater capability may, in their view, be spreading forces too thin everywhere. Where does the U.S. priority lie?

RECONCILIATION OF GLOBAL AND REGIONAL CONSIDERATIONS SHAPING THE U.S. MILITARY INTERVENTION CAPABILITY

According to Defense Secretary Weinberger the administration intends to expand U.S. capabilities for deterring a global war with the Soviet Union rather than confining its planning to address only short wars in selected theaters. In its dialog with the Joint Economic Committee the administration stated that the primary purpose of directing U.S. military capability toward Southwest Asia is deterrence which, ultimately, "depends on our overall conventional and nuclear power, the fundamental strength of the American economy and the collective alliance capability to maximize political and military assets in conjunction with those of regional states." For Southwest Asia, "we are on a path toward development of a capability to meet the most demanding threat in the region which, inherently, will also provide the concepts and tailored forces necessary to cope with many lesser threats." The most dangerous potential threat to U.S. interests in the region would be a Soviet attack, such as occurred in Afghanistan, according to the administration. A more imminent threat might be an indirect version of this threat carried out in proxy forces. Other threats to stability such as the Arab-Israeli conflict or revolutionary activity such as that which brought down the Shah of Iran also exist. While the military component is only one of several elements in overall administration policy toward the region, regional policy is a component of a larger, global strategy.

Regional governments perceive a number of threats to their regimes, among them: the Arab-Israeli conflict, Marxism (Soviet and local variants), colonialism (or great power hegemony), aggression by their neighbors, and internal Islamic or ethnic rebellion. Not all states rank these threats in the same order, but the interplay of these concerns can be expected to condition acceptability of any U.S. military commit-

ment toward the region. The administration claims a consensus is developing among regional governments on the importance of the Soviet threat, which presumably would lead to their welcoming a U.S. military intervention capability as long as it remains "over the horizon." This claim is denied by many analysts of Middle East political affairs, who believe the Arab-Israeli conflict poisons acceptance of a U.S. military commitment toward the region among some Arab States, while fears of great power hegemony or neo-colonialism deter acceptance by others, including non-Arab Iran. Some countries have pro-Western governments while others are openly hostile to the West. How these, and other similar local and regional sensitivities can be reconciled with the global strategic considerations that prompt the administration proposal has not been shown.

AFFORDABILITY OF A U.S. MILITARY COMMITMENT

As may be seen from the discussion of congressional action on the fiscal year 1982 defense budget, the investment required to enable the proposed military commitment has already been considerable, but much more may be needed to expand U.S. military capability to cover the additional theater. During the 1950's, when the last buildup of this scope occurred, both GNP and the Government's commitment to social spending were much smaller. The debate over the share of the annual budget to be allocated to national defense is beyond the purview of this report, but its outcome will determine the scope of any new military commitments that may be undertaken.

ALTERNATIVES TO THE ADMINISTRATION'S PROPOSAL

Fiscal pressures and genuine doubts about the efficacy of the administration's proposal among some policymakers may prompt a search for alternatives. Two kinds of less expensive alternatives might be forthcoming: proposals to slow or reduce the military buildup, and proposals to use some other approach (economic/diplomatic) than a military commitment. A third kind of alternative, to accelerate and increase the buildup, and to modify the Rapid Deployment Force concept (perhaps in favor of prepositioning more forces in the theater) may be put forward by those who fear the RDF will not be militarily effective.

CONGRESSIONAL ROLE IN SHAPING THE U.S. CAPABILITY TO INTERVENE MILITARILY IN THE MIDDLE EAST

Some concern has been voiced by critics that in 1981 Congress played only a minor role in shaping what may become an historic military commitment toward the Persian Gulf region. Yet approval is no less an active role than dissent, and a congressional consensus was apparent that a general defense buildup and increased capability in the gulf are needed. Further, the specific administration proposal to meet these needs was articulated late in the legislative year, and in context of some budget amendments to a defense appropriation bill that for unrelated reasons attracted less attention than would normally be expected. For this reason the kind of full-scale scrutiny such a commit-

ment deserves did not occur in 1981. But since the associated military buildup can only take place over the next several years, it is widely understood that there is time for Congress to work its will incrementally and remedially as developments unfold.

If, as is likely, the administration continues to implement its new strategic policy through the defense budget, committees having oversight of U.S. foreign policy will need increased consultation or it may be difficult for Congress to gain a complete and comprehensive picture of the scope and character of the commitment being pressed forward by the President. The Budget, Armed Services, and Appropriations Committees act on the defense budget from differing perspectives sometimes without an opportunity for an in-depth examination of the foreign policy implications of the assumptions on which it is based. However, as Congress examines the issues inherent in the RDF and associated measures, and particularly as Congress develops and compares alternatives to the proposal, the foreign policy implications will bear exploration.

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EVENTS IN THE MIDDLE EAST AND AMERICAN-ISRAELI RELATIONS*

Overview

The year 1981 was a turbulent year in the Middle East. The Congress followed closely events in the Middle East, passing legislation that provided foreign assistance for Middle Eastern countries, authorized U.S. participation in the multinational force to monitor the Egyptian-Israeli peace treaty in the Sinai, and approved the sale of AWACS and F–15 enhancements for Saudi Arabia.

The crumbling truce in Lebanon degenerated into the Syrian-Israeli missile crisis of April. Presidential envoy Philip Habib's efforts to resolve the crisis continued throughout the year. In June, Israel bombed the Iraqi nuclear facility near Baghdad, and raised questions about U.S. nuclear nonproliferation policy. In July, a PLO-Israeli-Lebanese confrontation in south Lebanon and the Israeli bombing of Beirut ended with a cease-fire arranged by Habib that, while tenuous, held through the end of the year. U.S. Navy aircraft shot down two Lybian aircraft over the Mediterranean Sea in August.

Israel and the United States mourned the loss of Egyptian President Sadat, the peacemaker, and both countries shared a concern for the continuation of the Egyptian-Israeli peace treaty. The administration and Israeli leaders differed over the impact of the AWACS sale to Saudi Arabia to which the Senate acquiesced on October 28, and the two countries differed over the implications of the Saudi peace plan proposed in August. Strategic cooperation between Israel and the United States, first broached during Secretary Haig's April visit to Israel, reached fruition on November 30 when the two nations signed the Memorandum of Understanding. But the Memorandum of Understanding was "suspended" or "cancelled," depending upon which viewpoint, American or Israeli, in the aftermath of Israel's "annexation" of the Golan Heights in December. In addition to these Middle Eastern events, many believed the Reagan administration, which entered the White House as the Iranian hostage crisis ended, somewhat altered the rhetoric of U.S. Middle East policy.

Legislative Issues: Aid, the MFO, and AWACS

During its first session, the 97th Congress passed legislation on three issues dealing with the Middle East, the foreign assistance authorization and appropriation, the Multinational Force and Observers [MFO] authorization and appropriation, and the airborne warning and control system [AWACS] and F–15 enhancement package for Saudi Arabia. Congress and the administration were in general agree-

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ment on two of the issues, foreign aid and the MFO, but divided sharply on the AWACS/F–15 sale.

FOREIGN AID [1]

Congress authorized the administration fiscal year 1982 and fiscal year 1983 requests for military and economic assistance for Middle Eastern and North African countries, but did adjust some of the funding arrangements. The administration requested $1.4 billion in foreign military sales [FMS] credits for fiscal year 1982 for Israel, $900 million in guaranteed loans and $500 million in direct credits, with repayment waived on the credits. (Guaranteed loans are offered at market interest rates, direct credits are offered at concessional rates of 3 or 4 percent.) Congress changed the direct credits to $550 million (repayment waived), which left, by implication, $850 million in guaranteed loans. The administration requested $785 million in Economic Support Funds [ESF] for Israel, to be allocated as $525 million in grant aid and $260 million in loans. Congress converted the $785 million ESF into a grant. The Congress passed the administration request for fiscal year 1983 for Israel: $1.7 billion in FMS credits ($500 million repayment waived) and $785 million in ESF, of which $260 million will be loans and $525 million will be grants.

For Egypt, the administration requested $900 million in FMS for fiscal year 1982, $500 million in guaranteed loans and $400 million in direct credits. Congress changed the guaranteed loans to $700 million and waived repayment on the $200 million in direct credits. Congress authorized $1.3 billion in FMS for fiscal year 1983 for Egypt, $900 million in loan guarantees and $400 million in direct credits with repayment waived. The administration requested $100 million in FMS direct credits for Sudan, but Congress designated $50 million as direct credits with repayment waived and $50 million as guaranteed loans.

MULTINATIONAL FORCE AND OBSERVERS

Article VI of annex I of the Egyptian-Israeli peace treaty signed on March 26, 1979, called for the establishment of a United Nations peacekeeping force to monitor the Egyptian-Israeli border after Israel withdrew from the Sinai Peninsula on April 25, 1982. In a letter attached to the peace treaty, President Carter stated that the United States would establish an alternative multinational force if the United Nations failed to provide a peacekeeping force. It became evident shortly after the peace treaty signing that the Soviet Union would veto any Security Council action to create the force, and the United States, Israel, and Egypt began a search for acceptable nations to serve in an alternative force. On May 18, 1981, the President of the U.N. Security Council informed the President of Egypt that the United Nations would not create a peacekeeping force. On July 21, 1981, the administration requested that the Congress authorize 1,200 U.S. troops to be assigned to the Multination Force and Observers [MFO] and that Congress authorize $135 million to finance the MFO. On August 3, 1981, Egypt, Israel, and the United States signed an agreement to create the MFO for the Sinai.

[1] For a discussion of the foreign aid bills, see chapter on Congress and Foreign Aid, page 49.

In general, Congress approved the concept of the MFO, and American participation in it, as a necessary step to implement the Egyptian-Israeli peace treaty, which in itself was a necessary step to achieve a comprehensive peace in the Middle East. There were questions raised about the United States indefinitely committing troops to a potential combat zone and the risk that the United States could be drawn into a Middle Eastern war. Members of Congress also were concerned that U.S. participation in the MFO could be construed as a forward deployment of the Rapid Deployment Force [RDF] or that American participation might create an authorization for the use of troops under the War Powers Act. Some Members feared that congressional approval of the MFO would be viewed as a blanket congressional approval of all executive branch agreements attached to the Camp David process.

To meet these concerns, the authorization (Public Law 97–132, December 29, 1981) stated that at least three other nations must participate in the MFO, and required that the President report annually to the Congress on the costs, activities, composition, and numbers of the force. To counter the possible misperception that the U.S. contingent in the MFO was part of the RDF, the authorization stated that the MFO could perform only those peacekeeping activities outlined in the Camp David agreements and the Egyptian-Israeli Peace Treaty. The authorization stated that, "Nothing in the Resolution shall affect the responsibilities of the President or the Congress under the War Powers Resolution." The Senate Foreign Relations Committee report said it was expected that at the time U.S. Armed Forces equipped for combat were sent to the Sinai, the administration would provide the report to Congress contemplated by section 4(a)(1) of the War Powers Resolution. The authorization set a limit of 1,200 Americans troops and provided $125 million for the first year of operation ($125 million was appropriated in the continuing resolution, Public Law 97–51, and $10 million was reprogramed from ESF funds.) And, finally, the authorization stated that approval of U.S. participation in the MFO did not signify congressional approval of any other agreement, understanding, or commitment made by the executive branch.

The executive branch consulted with the Senate Foreign Relations and House Foreign Affairs Committees prior to and during congressional consideration of the MFO authorizing legislation.

THE AWACS SALE [2]

Congress was divided on the issue of approving the sale to Saudi Arabia of AWACS and the F–15 enhancement package—fuel tanks, in-flight refueling capability, and AIM–9L air-to-air missiles. Long before the administration sent the formal notification to Congress on October 1, 1981, many Members of Congress had made known their opposition to the sale. A majority of the Senate Foreign Relations Committee opposed the sale in a letter to the President on February 19, and a majority of the House Foreign Affairs Committee opposed the sale in a letter to the Secretary of State of February 25. The administration announced its intention to sell the F–15 enhancement

[2] See also the chapter in this volume on the AWACS sale, p. 24.

package on March 6. During a Senate floor debate on March 24 and a House floor debate on April 7, a majority of Members speaking opposed the sale. The administration announced on April 21 that it would offer the AWACS to Saudi Arabia, and a resolution of disapproval was introduced in the House on April 27. By June 24, the House resolution had 224 cosponsors; the same day 54 Senators sent a letter to the President informing him that they opposed the sale and recommended that it not be forwarded to Congress. In October, both the House Foreign Affairs Committee and the Senate Foreign Relations Committee favorably reported disapproval resolutions. The House voted 301–111 against the sale on October 14, but the Senate voted not to block the sale on October 28 by a vote of 52–48.

The Congress, the administration, the Israelis, and the Saudis raised many issues during the course of the 9-month debate over AWACS/F–15 enhancements. Israel disagreed with the administration sale of the AWACS/F–15 enhancements to the Saudis, contending that the equipment would pose a threat to Israel, either directly from the Saudis or as part of a larger Arab force, and that the Saudis should not be rewarded for not endorsing the Camp David peace process. Some Members of Congress opposed the sale because of the risk of compromising sophisticated intelligence gathering and monitoring devices in the AWACS and F–15's, Saudi support for the Palestine Liberation Organization [PLO], and the Saudi refusal to grant basing rights to the United States. Other questions raised during the debate concerned potential Saudi instability, the sale's effect on the Middle East military balance, possible effects on regional stability, and the chance that the United States could become involved in a Middle Eastern war or a wider conflict with the Soviet Union.

Proponents of the sale pointed out that Israel would maintain military superiority over the Saudis, or any combination of Arab states, even after the sale, and that risk of compromising U.S. intelligence gathering devices was minimal because the Saudi planes were scaled-down versions carrying "off-the-shelf" items. Those favoring the sale said the Saudis were the first line of defense for oilfields vital to Western Europe, Japan, and the United States, that the Saudis were valued and responsible friends, committed to supporting the West in the confrontation with the Soviets, and that United States personnel would be involved in operating and maintaining the Saudi equipment through the next decade, and possibly for a longer period of time.

The AWACS/F–15 debate was not limited to Middle Eastern issues. Some Members expressed a concern that a congressional veto of the sale would "tie the President's hands" in foreign policy or demonstrate to the world an unseemly divisiveness in the formulation of American overseas policy. Other Members of Congress suggested that Congress should exercise what they saw as its right to be included in major foreign policy decisions. Domestic politics entered the debate—a Republican President and Senate opposing a Democratic House—and there were press reports, never confirmed, that both sides made political "deals" to win votes. And, the role of lobbyists representing Israel, Saudi Arabia, the administration, arms manufacturers, and organizations interested in foreign affairs became a minor issue.

A prominent issue at the start of the debate, a Saudi threat to Israel's security, became less prominent as the vote neared, to be replaced by what some observers likened to a popularity contest: Who, Saudi Arabia or Israel, would be America's best friend in the Middle East? Almost overlooked during the debate was the possibility that the United States could maintain good relations with both Saudi Arabia and Israel. By the time the votes were cast, Middle Eastern issues were overshadowed by the larger issue of Presidential authority to conduct foreign policy.

Nonlegislative Issues: U.S. Policy Toward the Middle East

In addition to the foreign aid, MFO, and AWACS issues on which Congress passed legislation, there were other issues and events affecting United States-Israeli relations in which Congress did not pass legislation but nevertheless did take an active interest. One such issue was the administration's attitude toward the Middle East. The Reagan administration appeared to move away from several longstanding U.S. policies on Middle Eastern issues. For example, President Reagan and Secretary of State Haig frequently referred to the Palestinians as "refugees," which reversed a Carter administration trend of calling the Palestinians a "people" or an "entity" or the "Palestinians." On February 2, 1981, President Reagan said Israeli settlements in the occupied territories were "not illegal," a statement at variance with U.S. policy since 1967 that the settlements violated article 49 of the Geneva Conventions and were an "obstacle to peace."

National Security Adviser Richard Allen said on April 2, 1981, that Israel was justified in entering Lebanese territory in pursuit of "terrorists," a statement interpreted in the Middle East as a reversal of previous United States statements condemning Israeli incursions into Lebanon. And, like Allen, many officials in the Reagan administration frequently referred to the PLO as "terrorists," dropping a distinction made occasionally in past administrations between "moderate" PLO members and "terrorists" among the Palestinian resistance groups. Reagan administration officials often condemned the PLO as "terrorists" and Libya as a supporter of terrorism. In early April, Secretary Haig told his Israeli hosts that Israel and the United States were "allies" and that the two countries should cooperate against Soviet expansionism in the Middle East. In these or other examples of Reagan administration policy shifts, reactions suggested that the Congress either did not notice the subtle changes or, more likely, agreed with the substance of what many saw as a turn toward a pro-Israeli position which they supported.

Missile Crisis in Lebanon

Another area where the Congress supported the President was the so-called missile crisis in Lebanon. On April 28, 1981, Israeli aircraft shot down two Syrian helicopters the Israelis said were attacking Christian positions near the Lebanese town of Zahlah. Within 2 days, Syria moved surface-to-air antiaircraft missiles into the Bekaa Valley of Lebanon to defend what the Syrians said were innocent flights

carrying food and supplies to isolated communities around Zahlah. Israel said the missiles were a threat to Israel and to the Christians in Lebanon, and warned that Israeli planes would attack the missile sites if the missiles were not removed. President Reagan asked the Israelis to delay their air strikes and dispatched retired Foreign Service officer Philip Habib to the area to mediate a withdrawal of the missiles. In general, Congress accepted Israel's contention that the missiles were a threat to Israel and that Israel had the right to overfly Lebanon. The President also said the missiles threatened Israel. On June 16, the House voted 398 to 1 for House Concurrent Resolution 159, which commended Ambassador Habib for his efforts to resolve the missile crisis.

ISRAELI ATTACK ON THE IRAQI NUCLEAR REACTOR

On June 7, 1981, Israeli F–16 and F–15 aircraft bombed a nearly completed French-built nuclear research reactor southeast of Baghdad, Iraq. Israel said the attack was an act of self-defense because the facility was designed to produce nuclear weapons that would be used against Israel. The attack raised three issues for the Congress.

First, was the attack self-defense? A 1952 United States-Israeli arms supply agreement stipulates that U.S. military equipment may be used only for self-defense. Secretary of State Haig informed the Congress in a June 10 letter that Israel "may have violated" the 1952 agreement, and that while the administration conducted further inquiries into the Israeli contention that the Baghdad attack was self-defense, the United States would delay a scheduled delivery of four F–16 fighter aircraft. Only the F–16's were delayed, other equipment deliveries continued on schedule. Under section 3 of the Arms Export Control Act, the United States may end assistance to a nation which uses U.S. military equipment for purposes other than self-defense.

Congressional opinion on the defensive nature of the Israeli attack was divided: Several Members maintained that Israel had the right to launch a "defensive" preemptive strike against the potentially dangerous Iraqi reactor, while a few Members maintained that the strike was offensive because international safeguards prevented the Iraqis from diverting the nuclear reactor to weapons manufacture. On June 30, 58 Members of the House sent a letter to President Reagan asking that the F–16 deliveries to Israel be resumed. The self-defense issue and delivery of U.S. arms to Israel were complicated further by events in southern Lebanon—discussed below.

Second, did the Israeli action contradict American nuclear nonproliferation policy? The United States has encouraged all nations to sign and ratify the Nuclear Non-Proliferation Treaty and to adhere to the International Atomic Energy Agency [IAEA] safeguards. Israel has not signed the treaty nor allowed IAEA inspections of its nuclear facilities. Iraq has signed the treaty and allowed IAEA inspections. For some Members of Congress, it appeared that Israel was "taking the law into its own hands" in defiance of international standards and U.S. policy. For other Members, the Israeli action was justified because of the state of war with Iraq, Iraq's reputation as a belligerent nation, alleged inadequacy of the IAEA safeguards program, and the possibility that the Iraqis intended to manufacture nuclear weapons.

And third, regardless of the self-defense and nonproliferation questions, was the Israeli attack praiseworthy because of its machine-like precision in eliminating a potential source of nuclear weapons, and its defiant challenge to Iraq, an enemy of Israel? Many people, among them Members of Congress, applauded Israeli efficiency and daring, and offered the opinion that many nations, including some Arab States who would not say so publicly, were glad the Iraqi reactor and the threat of an Iraqi nuclear weapon had been removed. That Israel did the world a favor was a common theme. Did admiration for the Israeli act and appreciation of Israel for removing the Iraqi threat override the self-defense and nonproliferation questions?

Congress did not answer directly any of the three questions. The world community continued to grapple with the nonproliferation issue, now complicated with a new question: Would other nations follow Israel's example and launch preemptive strikes at nuclear facilities believed capable of producing nuclear weapons? Or, would the Israeli action reinforce a sense of prudence in Third World decisions to pursue nuclear weapons and underscore the value of a strong IAEA?

CONFLICT IN SOUTH LEBANON

On July 10, 1981, Israeli and "Free Lebanon" forces began an artillery and rocket exchange with PLO, Syrian, and Lebanese leftists along the Israeli-Lebanon border. Israel launched a series of air strikes on PLO artillery and rocket emplacements and ammunition depots. On July 17, Israeli planes attacked a PLO headquarters in a densely populated quarter of Beirut, killing nearly 300 people and wounding another 800 in the bombing. Israeli Prime Minister Begin said the PLO was responsible for the civilian casualties because the PLO purposely placed its headquarters in the midst of a civilian population center.

Rumors circulating in Israel and Washington suggested that the United States would end the F–16 delivery delay (imposed on June 10 after the Baghdad bombing) on July 17, the day an additional six F–16's were scheduled for delivery. But on July 17, after the Beirut bombing, Secretary Haig announced that the second shipment of F–16 fighters would also be delayed. On July 20, in response to Israeli complaints that the United States was violating its contract to deliver the aircraft, Haig said the delay would be "indefinite." Also on July 17, President Reagan instructed Ambassador Philip Habib to set aside his negotiations for an end to the Lebanese missile crisis and concentrate on arranging a cease-fire in the south Lebanon war. With the assistance of Saudi Arabia, Kuwait, and U.N. representatives in Beirut, Habib arranged a cease-fire between the Israelis and the PLO, announced on July 24.

Several Members of Congress openly criticized the Begin government for bombing Beirut, and rejected the Israeli explanation that the PLO headquarters was a legitimate target or that the PLO was responsible for the casualties. Few Members of Congress defended the Israeli attack on Beirut, and according to press stories, some congressional friends of Israel and some American Jewish community leaders privately appealed to the Israeli Government to stop further attacks on

civilians in Lebanon. The Congress endorsed Ambassador Habib's efforts to arrange a cease-fire.

On August 17, Secretary of State Haig announced that the 10 F–16's would be delivered to Israel, adding that "no legal or juridical" decision was necessary to determine if Israel had, indeed, violated the 1952 arms supply agreement or was subject to having its assistance terminated under the Arms Export Control Act.

CONFRONTATION WITH LIBYA

On August 19, during a scheduled U.S. Navy exercise in the Mediterranean, close to the mouth of the Gulf of Sidra, two carrier-launched U.S. Navy F–14 fighters shot down two Libyan SU–22 fighters after the SU–22's fired an air-to-air Atoll missile at the F–14's. The United States maintained that the Gulf of Sidra was open sea, while Libya maintained that the gulf was within Libyan territorial waters. United States-Libyan relations had deteriorated over the past few years, and the Gulf of Sidra incident appeared to be a final break. In the United States, Libya was perceived as offering haven and support for terrorists, an anti-Israeli supporter of the PLO, pro-Soviet, threatening Chad, Mali, Egypt, Sudan, Tunisia, or other African States, and a "price hawk" in OPEC (Organization of Petroleum Exporting Countries). Thus, many Americans, including Members of Congress, applauded the Navy action against the Libyan aircraft, and felt little remorse at the possible loss of Libyan friendship. In mid-October, many Members of Congress introduced or supported resolutions which would have embargoed all trade with Libya, although none of the resolutions were brought to a vote. On December 10, President Reagan advised all Americans to leave Libya because they were in danger (there were about 1,200 Americans in Libya, most working in the oil industry), a move which most congressional spokesmen supported. The 97th Congress, 1st session, ended amid rumors that the United States would institute an embargo against Libya.

ASSASSINATION OF PRESIDENT SADAT

On October 6, President Muhammad Anwar al-Sadat of Egypt was assassinated while watching a military parade commemorating the October 6, 1973 crossing of the Suez Canal. Sadat was admired and respected for his peace initiative in going to Jerusalem in November 1977, for negotiating the Camp David agreements in September 1978, for signing the peace treaty with Israel in March 1979, and for his open invitation to the United States to dismiss past differences and forge a new Egyptian-American friendship. On October 6, the House passed, by a vote of 411 to 0, House Concurrent Resolution 200, which praised Sadat as a peacemaker and expressed the sense of loss at his death. While the Congress mourned Sadat, it also expressed some anxiety over the short- and long-term future of Egypt, of Egyptian-Israeli relations, and of United States-Egyptian relations. For the most part, short-term fears were allayed by Sadat's successor, Husni Mubarak, who reaffirmed his nation's commitment to the Egyptian-Israeli peace treaty, to the continuation of the West

Bank/Gaza negotiations, and to maintaining United States-Egyptian relations. In addition, in October the United States "loaned" Egypt two AWACS planes to patrol the Egyptian-Libyan and Egyptian-Sudanese borders in order to forestall a possible Libyan intervention: "Operation Bright Star," a joint Egyptian-American military exercise, was held on schedule in November; the West Bank/Gaza talks continued as planned; the Israeli-Egyptian border demarcation began on schedule; all of which appeared to confirm that Egypt would remain stable after Sadat.

THE FAHD PEACE PLAN AND THE VENICE DECLARATION

Another issue which concerned the Congress was the so-called Fahd peace plan, announced on August 7 by Saudi Arabia's Crown Prince Fahd. Almost unnoticed until late October, the eight-point peace plan became an issue when the President and the Secretary of State suggested on October 29 that the plan had some "positive" merit and might be considered by the United States. Israel rejected the Fahd plan, calling it a subterfuge designed to destroy Israel, and sought reassurances from the United States that the Camp David process would not be abandoned for the Saudi proposal. In early November, Israel sent a Knesset delegation to the United States to dissuade American officials from considering the Fahd approach. For the most part, congressional spokesmen appeared to share concerns that the administration would abandon the Camp David process and adopt the Saudi approach.

The issue of abandoning Camp David arose again in late November when Israeli officials stated they would reject British, French, Dutch, and Italian participation in the MFO unless those European states rejected the Fahd plan and the June 13, 1980, European Community Venice Declaration, which called for a comprehensive peace conference that would include the PLO. Again, as in the instance of the Fahd plan, most congressional statements voiced concern that the Camp David negotiations over the future of the West Bank/Gaza Strip would be dropped in favor of the European suggestion. The administration tried to reassure the Israelis that the Camp David approach would not be dropped: on November 4, Secretary of State Haig sent a letter to the Israelis stating that the Saudi plan would not replace Camp David; on November 11, Haig met with the Knesset delegation, again offering reassurances; and on December 3, the United States and Israel signed an agreement which stipulated that Camp David was the preferred approach to peace and that European participation in the MFO would not detract from Camp David.

THE ISRAELI-AMERICAN MEMORANDUM OF UNDERSTANDING

During his April visit to Israel, Secretary Haig said the United States and Israel should agree on a "strategic consensus" on how to meet the threat of Soviet expansionism into the area of the Middle East. United States-Israeli strategic cooperation was a major subject of the conversations between Prime Minister Begin and the President during Begin's visit to Washington in September. The Israeli Min-

istry of Defense and the U.S. Department of Defense drafted a memorandum of understanding during a series of October meetings. On November 30, Defense Minister Sharon and Defense Secretary Weinberger signed the agreement which called for joint strategic planning and consultation, joint air and sea maneuvers, U.S. strategic stockpiling in Israel, and U.S. purchases from Israeli defense industries.

Then, on December 14, Israel unilaterally extended its law and administration into the Golan Heights, a move opposed by the United States because it did not involve a negotiation with Syria. The United States suspended the memorandum of understanding (MOU) on December 18 because Israel did not consult with the United States before passing the Golan law. On December 20, Prime Minister Begin told U.S. Ambassador Samuel Lewis that the MOU was canceled, that the United States treated Israel like a banana republic, that the United States was punishing Israel for the Golan law, and that the United States was not morally entitled to preach to Israel for bombing the Iraqi reactor or Beirut. Defense Minister Sharon told an interviewer on December 19 that the United States had undermined its credibility by suspending the memorandum of understanding, including U.S. credibility in the Camp David agreements. Sharon told another interviewer on December 25 that the United States had violated the MOU by not invoking the necessary 6-month notification to abrogate the agreement. According to press reports, Israeli and American officials met during Christmas week to resolve some of the differences over the MOU and the U.S. opposition to the Golan Heights law. (The United States voted for a U.N. Security Council resolution on December 17, which condemned Israel for the annexation of Golan.)

In general, Congress supported the concept of an Israeli-American strategic consensus agreement. Several resolutions were introduced in the House and Senate over the course of the first session advocating that the United States recognize Israel as a strategic asset or that the United States sign a strategic cooperation agreement with Israel. None of the resolutions were brought to the floor. A handful of Members of Congress questioned Israel's wisdom or authority to annex the Golan Heights, and a few Members criticized the administration for voting for the U.N. Security Council resolution of December 17, which condemned Israel's action on Golan.

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CONGRESS AND ARMS SALES AND SECURITY ASSISTANCE TO PAKISTAN*

Overview

During 1981 the Reagan administration obtained congressional support for a controversial restoration of U.S. security assistance to Pakistan. This included a conditional lifting of an existing ban on aid to Pakistan arising out of its nuclear activities, acquiescence by Congress in the sale of 40 F–16 fighter bombers to Pakistan, and the appropriation of $100 million in Economic Support Fund [ESF] aid for fiscal year 1982—the first installment in a proposed 6-year package of economic assistance and military sales credits totaling $3.2 billion.

Since April 1979 Pakistan had been ineligible for U.S. assistance with the exception of food aid under Public Law 480. Section 669 (Symington amendment) of the Foreign Assistance Act of 1961, as amended, prohibits U.S. aid to nonnuclear weapons states that acquire uranium enrichment materials or technology. The Carter administration invoked the provisions of the Symington amendment after obtaining incontrovertible evidence that Pakistan was embarked on a covert program to construct a uranium enrichment facility, probably with the intention of obtaining the capability to match India's 1974 peaceful nuclear explosion.

The December 1979 Soviet invasion of Afghanistan put United States-Pakistan relations in a different light, and led two successive administrations to seek a way to reconcile U.S. nonproliferation concerns with a desire to bolster Pakistan's security and independence. Section 669, however, severely limited the flexibility of the executive branch. The President, for instance, could only waive the prohibition on aid by certifying in writing to the Congress that:

> (A) the termination of such assistance would have a serious adverse effect on vital United States interests; and (B) he has received reliable assurances that the country in question will not acquire or develop nuclear weapons or assist other nations in doing so.[1]

Persistent evidence that Pakistan was continuing its efforts to construct an enrichment facility and acquire detonator technology prevented such assurances.

In early 1980 the Carter administration made an abortive offer of $400 million in economic and military assistance to Pakistan, and indicated its intention to seek from Congress a special waiver or suspension of the provisions of the Symington amendment to facilitate

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*Prepared by Richard P. Cronin, Specialist in Asian Affairs.

[1] U.S. Congress. Senate and House. Committee on Foreign Relations and Committee on Foreign Affairs. Legislation on Foreign Relations Through 1980. Volume I. Current Legislation and Related Executive Orders. Joint Committee Print. Washington, U.S. Government Printing Office, January 1981, p. 165.

the aid. Pakistan's President Zia-ul Haq, however, spurned the offer as peanuts, explaining that the proposed aid was not sufficient to meet Pakistan's needs or to compensate for the risks of identifying with U.S. policy in the region. The Carter administration continued to foster improved relations with Pakistan and to bolster Pakistan's stance against recognizing the Soviet-installed government in Afghanistan, but apparently made no further effort to reestablish a U.S. assistance program. Late in its life the Carter administration reportedly held out the possibility of selling the U.S. F–16 fighter bomber,[2] but nothing came of it except perhaps to generate Pakistani interest in the aircraft and raise expectations of what might be obtainable from the Reagan administration.

The Reagan administration made Pakistan a key element in its effort to build a strategic consensus of states threatened by Soviet expansionism, and set the stage for what seemed likely to become a major foreign and nonproliferation policy debate in Congress. In seeking to build a new security relationship the administration faced a dual problem of reaching agreement with Pakistan on the one hand, and gaining the cooperation of a skeptical Congress, on the other. Pakistan's willingness to commit itself to a new security relationship with the United States was seen to be heavily dependent on that country's perception that Congress would be supportive and that this support would be of a long-term nature.

These dual-track negotiations also presented the Congress with a dilemma. Each additional step the administration took with Pakistan placed the prestige of both countries at increasing risk, and heightened the potential damage to United States regional interests if Congress failed to support the administration's policy. At the same time, the Congress had little or no influence over what was being offered to Pakistan and was repeatedly consulted only after the fact.

Challenge to Previous Congressional Foreign Policy Initiatives

On its face the restoration of U.S. aid to Pakistan ran strongly against the current of congressional initiatives in the mid and late 1970's regarding nuclear proliferation, U.S. arms transfer policy, and concern about human rights. The success of the administration's policy thus dramatically showed that the Soviet invasion of Afghanistan had modified American thinking, across party and ideological lines, about its interests in Southwestern Asia.

The Foreign Affairs and Foreign Relations Committees held numerous and lengthy hearings and deliberations on the Pakistan aid issue, both in open and in closed session. Some of these took place directly following critical stages of the administration's deliberations with the Government of Pakistan. Almost without exception, the hearings focused on the issues of executive-congressional consultation, the progress of the administration in getting satisfactory assurances from Pakistan regarding its nuclear activities, and—as the details of the program were fleshed out—the justification for introducing the advanced F–16 fighter bomber into the South Asia environment.

[2] Beecher, William. United States Considering the Sale of F–16 Fighters to Pakistan. Boston Globe, Apr. 29, 1981, p. 3.

The Perennial Issue of Consultation

Congressional frustration with the administration's developing policy toward Pakistan became evident from the first hearings on the foreign aid budget. On March 23 the chairman of the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee, Representative Stephen J. Solarz, opened a hearing on the proposed foreign assistance request for Asia by asking that the witnesses, "clarify the administration's policy toward Pakistan, at least a broad outline as it exists at the moment." Representative Solarz expressed the hope that, if that were not possible, "they will at least give us their timetable for resolving these policy questions on this important issue since obviously the subcommittee will be very much involved in whatever determinations are ultimately made." [3]

This hope was not fulfilled. Jane Coon, then Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, reiterated the Reagan administration's concern about Pakistan's security as a consequence of the Soviet invasion of Afghanistan and indicated that the administration was currently involved in an extensive review of our relations with Pakistan, but no final decisions have been made. The budget request then included only some $50 million in Public Law 480 food aid for the 1.7 million Afgan refugees in Pakistan. She assured the subcommittee, however, that the administration would be consulting closely with the Congress as it moved toward a decision.[4] Representative Solarz reminded Coon that "once you have decided, it is not consultation, it is information." [5]

On April 27 Mrs. Coon and other senior State Department and Agency for International Development officials again testified before the Subcommittee on Asian and Pacific Affairs concerning aid to Pakistan. Although the administration had by that time added $100 million in economic assistance for Pakistan for fiscal year 1982, press reports indicated that the administration had offered Pakistan a 5-year program of economic and military assistance. Reportedly, the proposal had been worked out in discussions in Islamabad between U.S. Ambassador Arthur Hummel and Pakistani officials, and in talks in Washington in mid-April between Pakistan's Foreign Minister Agha Shahi and Secretary of State Haig and Secretary of Defense Weinberger.[6]

Representative Solarz chastised the witnesses because the administration was apparently telling more to the press about its plans than it was willing to reveal to the Congress. He resented, he said, "the fact that I find out from a reporter from the New York Times about the administration's proposed aid package for Pakistan 2 hours after I am informed by an administration witness that the administration

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[3] U.S. Congress. House. Committee on Foreign Affairs. Foreign assistance legislation for fiscal year 1982 (part 5): Economic and Security Assistance in Asia and the Pacific; hearings and markup before the Subcommittee on Asian and Pacific Affairs, Mar. 23, 24, 25, 26, 30, 31; and Apr. 6, 1981. 97th Cong., 1st sess. Washington, U.S. Government Printing Office, 1981, p. 1.

[4] Ibid., p. 5.

[5] Ibid.

[6] Oberdorfer, Don. U.S. Reports Some Progress in Mending Ties to Pakistan. Washington Post, Mar. 28, 1981, p. A18; Oberdorfer, Don. U.S., Pakistan Progressing on New Aid Plan. Washington Post, Apr. 22, 1981.

fully intends to consult with the Congress about this package but says nothing to us about whether in fact a final decision has been made." [7]

POSTPONEMENT OF A DECISION BY THE HOUSE FOREIGN AFFAIRS COMMITTEE

As of its markup and report on the foreign assistance authorization request on May 12, the House Foreign Affairs Committee had not satisfied itself regarding two issues: (1) The implications for U.S. nonproliferation policy that would result from giving the President the flexibility he requested concerning the Symington amendment and, (2) the size and scope of the still tentative long-term aid program for Pakistan. Accordingly, its report stated that, "The committee believes it inappropriate to consider altering section 669 without having received from the administration a clear statement of its nuclear proliferation policy." Likewise, the committee noted that while the administration had "recently requested $100 million in economic support funds for fiscal year 1982," the committee had "not yet received sufficient information regarding the total proposed program for Pakistan to give the matter the complete consideration it deserves." On these grounds the committee deferred "without prejudice" any decision on the proposed change in section 669 and the proposed aid to Pakistan. Upon receipt of the necessary information the committee promised that it would consider both requests "in a timely fashion." [8]

SENATE FOREIGN RELATIONS COMMITTEE ACTION

In the Senate the administration's program met with more success, although it did face a vigorous effort on the part of Senator John Glenn and others to limit the President's flexibility in granting a waiver to the current ban on aid to Pakistan. Senator Glenn proposed an alternative to the requested change in section 669 that would have established four conditions for congressional consideration of aid to Pakistan:

(1) a full explanation of the administration's nuclear nonproliferation policy;

(2) a certification by the President that he would not use his waiver authority in the case of India or Pakistan if either exploded a nuclear device;

(3) full particulars regarding planned aid to Pakistan including fiscal year 1982 and subsequent years, and

(4) an explanation of why aid to Pakistan was in the national interest.[9]

In addition to debating the question of how much flexibility to give the President, the Foreign Relations Committee also considered the time period that should be placed on any waiver authority. Some members of the committee argued for an annual renewal that would give

[7] Foreign assistance legislation for fiscal year 1982, op. cit., p. 152.

[8] U.S. Congress. House. Committee on Foreign Affairs. International Security and Development Cooperation Act of 1981; report of the Committee on Foreign Affairs together with additional views (including cost estimate of the Congressional Budget Office) on H.R. 3566. May 19, 1981. 97th Cong., 1st sess. Washington. U.S. Government Printing Office, 1981, p. 13.

[9] U.S. Congress. Senate. Committee on Foreign Relations. International Security and Development Cooperation Act of 1981; report of the Committee on Foreign Relations on S. 1196. May 15, 1981. 97th Cong., 1st sess. Washington, U.S. Government Printing Office, 1981, p. 93.

Congress an opportunity to respond to any new developments in Pakistan's nuclear program. Others maintained that a time-limited waiver authority would inject undesirable uncertainties into the ongoing negotiations with Pakistan.

Ultimately the committee adopted by a vote of 10–7 a compromise proposal put forward by the chairman, Senator Charles Percy. Section 714 of the bill proposed a new section 620E of the Foreign Assistance Act of 1961. Subsection (a) stated the concern of Congress regarding threats to Pakistan's security posed by the situation in Afghanistan and the importance of good relations between the United States and Pakistan. Subsection (b) gave the President the authority to waive section 669 in order to provide assistance to Pakistan if he determined that to do so would be in the U.S. national interest. The waiver was not to be subject to a congressional veto or a time limit. Subsection (c) included a requirement that on or before October 1, 1981, the President submit a report to the Chairman of the Senate Foreign Relations Committee including "(1) a comprehensive and detailed proposal for assistance to Pakistan in future years; and (2) a full explanation of the President's current nonproliferation policy."

Subsection (d) of the committee's proposed section 620E addressed the especially contentious issue of what flexibility should be allowed to the President in the event that Pakistan exploded a nuclear device. The subsection avoided a blanket ban on further aid but rather attempted to tighten, without entirely closing off, the President's flexibility under the Glenn amendment. That amendment, section 670 of the Foreign Assistance Act, required an aid cutoff in the event of a recipient country exploding a nuclear device, but contained a presidential waiver provision. The committee proposed the following language:

> The Senate finds that a nuclear detonation by either India or Pakistan would cause grave damage to bilateral relations between the United States and such country. The President should not use the waiver provided in section 670 of the Foreign Assistance Act if such country detonates a nuclear device.

Interrelated Legislative and Diplomatic Action: The June 15, 1981, Agreement With Pakistan

While the deferral of action by the House Foreign Affairs Committee added an element of continuing uncertainty regarding congressional support for the administration's policy, the Senate Foreign Relations Committee's action probably enhanced Pakistan's perception that the administration could deliver on any aid commitment that it might make. On June 15, following a 5-day negotiating mission to Pakistan by Under Secretary of State for Security Assistance, James L. Buckley, the United States and Pakistan jointly announced agreement on a 6-year package of cash sales of military equipment (fiscal year 1982), economic support fund aid, development assistance and foreign military sales credits totaling about $3 billion. As part of the package the United States agreed to sell Pakistan the advanced F–16 fighter, subject to subsequent agreement on terms, timing, and numbers. In consideration of Pakistan's sensitivity regarding its nonalined

and Islamic status, Under Secretary of State Buckley "specifically disclaimed any American interest in military bases or in establishing any new alliances." [10]

The F–16 Issue

The proposal to sell the F–16 fighter bomber to Pakistan introduced a new element of uncertainty, and raised considerable opposition in Congress, especially within the House Foreign Affairs Committee. Questions were raised by the chairman of the committee, Representative Clement J. Zablocki, Representative Solarz, chairman of the Subcommittee on Asian and Pacific Affairs, and others concerning the consequences of introducing such a highly advanced aircraft into the volatile subcontinent, the affordability of the aircraft, the ability of Pakistani technicians to maintain it, and the impact on production for the U.S. Air Force, which had yet to acquire its planned inventory levels. The Subcommittees on International Security and Scientific Affairs, International Economic Policy and Trade, and Asian and Pacific Affairs, held several hearings in both open and closed session and took testimony from numerous official and unofficial witnesses on this issue. Testimony by nonofficial regional and defense specialists ran strongly against selling the F–16 to Pakistan, while that of the official witnesses tended to emphasize the key symbolic, rather than military, value of the aircraft.

The Reagan administration, rather than arguing its case primarily on the military needs of Pakistan for F–16's, specifically emphasized that selling F–16's to Pakistan was essential to achieving a new security relationship with Pakistan. For instance, in a letter to the editor of the New York Times on August 5, Under Secretary of State Buckley argued that Pakistan's acquisition of the F–16 was "a reasonable element" in its military modernization plans. Buckley sought to counter concern in Congress and elsewhere that selling F–16's to Pakistan would exacerbate Pakistan-India relations or touch off a new arms race in the region. India's "overall military advantage is substantial," Buckley argued, "and the proposed sales to Pakistan will not significantly alter the balance of power in the subbcontinent." [11]

Reportedly, the Department of Defense and the Air Force were concerned over the impact on U.S. Air Force inventories if aircraft were supplied in the quantities and rates desired by Pakistan. The unwillingness of the Defense Department to make aircraft available from its own production led to dissatisfaction by Pakistan as to the timing of deliveries and, apparently, to the failure of a Pakistani negotiating mission that came to the United States during the summer to reach a final agreement on the arms package. The deadlock was broken only after the administration received a commitment from several NATO coproducers of the F–16 to make six aircraft available from their production lines to the USAF, in order to permit the early transfer of a like number to Pakistan.

[10] Department of State, Text of Joint United States-Pakistan Statement, June 15, 1981.
[11] Buckley, James L. Under Secretary of State for Security Assistance, Science and Technology [to the editor], New York Times, Aug. 5, 1981.

FINAL AGREEMENT WITH PAKISTAN OF SEPTEMBER 15

On September 15, following its agreement with an F–16 delivery schedule that was proposed during a second visit to Islamabad by Under Secretary of State Buckley, Pakistan announced its acceptance of a 6-year package of economic aid, and arms sales credits totaling $3.2 billion.[12] The agreement provided for the delivery of six F–16's on a cash basis within 12 months of the signing of a letter of offer and acceptance [LOA], and the delivery of the balance on an expedited basis over a year and a half, beginning 27 months after the signing of the LOA. The latter 34 aircraft were to be sold for a mixture of cash and credit.[13] In addition, the package was to include an unspecified level of cash sales of other military equipment for early delivery. The initial cash sales were presumed to be financed by Saudi Arabia.

In presenting the aid agreement to the Congress, Buckley went further than he had previously, both in justifying the F–16's and in characterizing the assurances received from Pakistan concerning its nuclear program. He said that President Zia had personally assured him that he had no intentions of developing nuclear weapons, though Buckley admitted that he had obtained no commitment that Pakistan would cease its efforts to acquire a nuclear explosive capability. At the same time, he told the Congress that he had made clear the U.S. position that any nuclear explosion was "tantamount to nuclear weapons testing," and that "the Pakistan government can be in no doubt about our concerns on this issue and the consequences which would inevitably flow from a Pakistani nuclear explosion." [14]

FOREIGN AFFAIRS COMMITTEE EFFORTS TO MODIFY THE F–16 PACKAGE

The proposed sale of the F–16's proved to be the most contentious aspect of the aid package. Chairman Zablocki and others sought to persuade the administration either to eliminate the F–16's or to accept a mix of a fewer number of F–16's and additional quantities of less costly and less capable aircraft such as the Northrup F–5E.

The efforts to persuade the administration to renegotiate the F–16 package failed. Aside from the expectable reluctance of the administration to upset what had been achieved through delicate, time-consuming negotiations, the Foreign Affairs Committees' own sources indicated that the effort would be fruitless and damaging to United States-Pakistan relations. A staff study mission sent to Pakistan and India during September 30–October 17, 1981, concluded that "any significant change in the number or nature of the aircraft would probably cause the Pakistan Government to undertake a major review of its relationship with the United States." Without either endorsing or opposing the sale of F–16's to Pakistan, the staff report noted further that "A cancellation of the aircraft portion of the package would assuredly lead Pakistan toward a nuclear explosion, and possibly force Pakistan

[12] Gwertzman, Bernard. Pakistan Agrees to U.S. Aid Plan and F–16 Delivery. New York Times, Sept. 16, 1981.

[13] Buckley, James L. U.S. Economic and Security Cooperation with Pakistan—A Critical Partnership. Testimony before the Subcommittees on International Security and Scientific Affairs, International Economic Policy and Trade, and Asian and Pacific Affairs of the House Committee on Foreign Affairs, Sept. 16, 1981.

[14] Gwertzman, Bernard. Pakistan Blast Could End Aid. New York Times, Sept. 17, 1981.

toward some face-saving accommodation with the U.S.S.R. on the Afgan situation." [15]

Ultimately Congress let pass its opportunity to prevent the sale of the F–16's. Resolutions disallowing the sale under provisions of section 36(b) of the Arms Export Control Act failed to pass in either the House or Senate.

On November 17 the Senate Foreign Relations Committee rejected by a vote of 10 to 7 a resolution of disapproval introduced by Senator Mark O. Hatfield and cosponsored by Senators Daniel P. Moynihan and Dale Bumpers. Among other things the committee, in its adverse report noted the symbolic importance of the aircraft as a measure of U.S. credibility, arguing that "If the sale of F–16's is turned down, there is much less of a chance of deterring the Pakistanis from detonating a nuclear device." [16]

The same day the House Subcommittees on Asian and Pacific Affairs and International Security and Scientific Affairs, meeting in joint session, failed by a vote of 10 to 5 to approve a resolution of disapproval offered by Representative Jonathan B. Bingham. On November 19 the full committee failed to report favorably the resolution as a result of a 13–13 tie vote.[17]

Aid to Pakistan in the Foreign Assistance Bill

The failure of the resolutions of disapproval indicated that Congress was disinclined to disrupt the emerging United States-Pakistan security relationship and that the final issues would relate primarily to the specifics of necessary changes in section 669 of the Foreign Assistance Act relating to Pakistan's nuclear program. In the end the issue was not whether or not to permit a restoration of aid to Pakistan, but rather what constraints to place on the President's authority to authorize aid. In particular, Congress focused on how to deal with the eventuality of a nuclear explosion by Pakistan or other actions detrimental to U.S. nonproliferation objectives, without tying the President's hands in a way that might be prejudicial to U.S. security interests or those of friendly countries, notably Israel.[18]

FOREIGN RELATIONS COMMITTEE ACTION REVERSED IN THE SENATE

Advocates of strong controls on the President's waiver authority won a victory during Senate floor action when the committee recommended language relating to section 669 was revised. On October 20, during action on S. 1196, the International Security and Development Cooperation Act of 1981, the Senate adopted an amendment (No. 491) offered by Senator John Glenn that would require the President to

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[15] U.S. Congress. House. Committee on Foreign Affairs. Proposed U.S. Assistance and Arms Transfers to Pakistan: An Assessment: Report of a Staff Study Mission to Pakistan and India, Sept. 30–Oct. 17, 1981. Committee print. 97th Cong., 1st sess. Washington, U.S. Government Printing Office, Nov. 20, 1981, p. 3.

[16] U.S. Congress. Senate. Consideration of Resolution of Disapproval of the Sale to Pakistan of 40 F–16 Aircraft: Report Together with Minority Views [to accompany S. Con. Res. 48], Nov. 19, 1981. 97th Cong., 1st sess. S. Rept. No. 97–276. Washington, U.S. Government Printing Office, 1981, pp. 4–5.

[17] Congressional Quarterly. Sale of F–16's to Pakistan Approved * * * In Spite of Questions in Congress, Dec. 5, 1981, p. 2412.

[18] Congressional Quarterly. In Spite of Nuclear Issue: Congress Appears Willing To Approve Aid to Pakistan, Dec. 5, 1981, pp. 2411–14.

transmit to the Congress as part of the presentation materials for foreign assistance programs for each fiscal year a classified report describing the nuclear programs and related activities of Pakistan. The report would include assessment of (1) the extent and effectiveness of International Atomic Energy Agency (IAEA) safeguards at Pakistan's nuclear facilities; and (2) the capability, actions, and intentions of the Government of Pakistan with respect to the manufacture or acquisition of a nuclear explosive device. The Senate also adopted on the same day another amendment offered by Senator Glenn (No. 559) that would limit the period during which the President could waive section 669 to September 30, 1987 (in other words, the 6 years envisioned for the aid package proposed for Pakistan).[19]

On October 21, by a vote of 51 to 45, the Senate adopted an amendment offered by Senator Glenn (No. 560) that would require a prohibition of U.S. assistance to India or Pakistan if such country were to detonate a nuclear device.[20] Subsequent to the adoption of this amendment, the Senate adopted an amendment proposed by Senator Jesse A. Helms (No. 492), so as not to single out India and Pakistan, that would prohibit U.S. assistance to any nonnuclear weapons country that detonated a nuclear device.[21]

HOUSE FLOOR ACTION

As adopted in floor action by the House on December 9, H.R. 3566 authorized the requested $100 million in ESF funds for Pakistan, but adopted a different approach from that of the Senate to permitting the President to waive provisions of the Symington amendment (section 669). The House-passed bill combined elements of existing sections 669 (uranium enrichment activities) and 670 (the Glenn amendment relating to uranium reprocessing and nuclear explosions) into a new section 669 that included additional prohibitions. The vehicle for this action was a committee-supported bill, H.R. 5015 (Bingham, Solarz, Dymally, and Fenwick), which was proposed as an amendment to the foreign assistance bill by Representative Solarz. In addition to barring aid to countries that acquire or transfer unsafeguarded nuclear enrichment or reprocessing equipment, materials, or technology, or explode a nuclear device—situations addressed by existing sections 669 (the Symington amendment) and 670 (the Glenn amendment)—the revised section 669 also would have barred aid to countries that transfer nuclear explosive devices to nonnuclear-weapons states, or to nonweapons states that acquire such devices.

FINAL FORM OF LEGISLATION CONCERNING U.S. ASSISTANCE TO PAKISTAN

The final form of the legislation permitting the restoration of U.S. aid to Pakistan as resolved in conference and passed by the Senate on December 15, 1981 and the House on December 16, involved a combination of Senate and House formulas for dealing with the nuclear proliferation issue. Section 736 of Public Law 97–113, as finally passed in Congress and signed by the President on December 29, 1981, added a

[19] Congressional Record, Oct. 20, 1981, pp. S11683–89.
[20] Ibid., Oct. 20, pp. S11689–90; Oct. 21, pp. S11765–76.
[21] Ibid., S11178–80.

new section 620E to the Foreign Assistance Act of 1961, which began with the statement——

> The Congress recognizes that Soviet forces occupying Afghanistan pose a security threat to Pakistan. The Congress also recognizes that an independent and democratic Pakistan with continued friendly ties with the United States is in the interest of both nations.

Subsection (a) also emphasized that U.S. aid was intended to "benefit the people of Pakistan by helping them to meet the burdens imposed by the presence of Soviet forces in Afghanistan and by promoting economic development," and that "in authorizing assistance to Pakistan, it is the intent of Congress to promote the expeditious restoration of full civil liberties and representative government in Pakistan." Finally, subsection (a) noted that it was "in the mutual interest of Pakistan and the United States to avoid the profoundly destabilizing effects of the proliferation of nuclear explosive devices or the capacity to manufacture or otherwise acquire such devices."

The new section 620E also included two other provisions with important foreign policy implications. Subsection (b) specifically reaffirmed the commitment made in the 1959 United States-Pakistan bilateral agreement "relating to aggression from a Communist or Communist-dominated State." Subsection (d) gave the President authority to waive the prohibitions of section 669 of the Foreign Assistance Act (the Symington amendment) until September 30, 1987, regarding assistance to Pakistan, "if he determines that to do so is in the national interest." This at least implied congressional support for the entire 6-year aid package—absent any change in the regional situation—even though aid would have to be authorized and appropriated on a year-to-year basis.

Section 737 of Public Law 97–113 revised the language of sections 669 and 670 of the Foreign Assistance Act largely along lines of the House-passed measure. Before revision, section 669 (nuclear enrichment transfers) allowed the President to continue aid otherwise banned on the basis of certain certifications, subject to congressional disapproval by a joint resolution. The revised section 669 gave Congress the power to override the Presidential certification by a concurrent resolution (not requiring the President's signature.)

Section 670 was revised by the act to provide a congressional veto over the President's actions in respect to nonweapons states involved in nuclear reprocessing transfers and nuclear detonations, and added a new provision regarding transfers of nuclear devices. In the case of reprocessing transfers or receipt the act gave the President authority to waive the aid prohibitions if he certified that "the termination of such assistance would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security." Such a waiver could be overridden by a concurrent resolution passed within 30 days of continuous session. Previously, the Congress could only override the President's certification by a joint resolution, which the President could veto.

In the cases of countries that transfer nuclear devices to nonnuclear weapon states, or nonnuclear weapon states that receive or detonate nuclear devices, the act adopted a different formula for congressional control over the executive branch. The President can waive the pro-

hibition on aid in such cases for up to 30 days of continuous session by certifying to the Congress that such a termination "would be detrimental to the national security of the United States." After 30 days this authority expires unless Congress adopts a joint resolution authorizing the continuance of U.S. assistance. However, such continuance remains subject to a determination by the President that the termination of U.S. aid "would be seriously prejudicial to the achievement of U.S. nonproliferation objectives or otherwise jeopardize the common defense and security." [22]

Assessment of the Congressional Role

Congressional action on the requested restoration of U.S. assistance to Pakistan and in the sale of the F–16 fighter bombers provides an important case study in executive-congressional relations and in the influence of the Congress on U.S. foreign and nuclear nonproliferation policy. From the outset it was clear that, while Congress was generally supportive of the Reagan administration's goals, it was concerned about the lack of effective consultation and about the arms transfer and nuclear nonproliferation policy implications.

The train of events in eventual congressional acquiescence in the sale of the F–16 aircraft showed the limitations on the willingness of the Congress to alter U.S. foreign policy once events have progressed to the point of a bilateral agreement especially in the absence of a clear consensus against the policy. While many were clearly disturbed about the implications of the sale, the stakes were perceived to be high and Congress was not prepared to jettison the negotiated aid agreement.

Likewise, Congress authorized and appropriated $100 million in Economic Support Funds for Pakistan without significant opposition. The preamble to the authorizing legislation contains a strong statement of U.S. support for Pakistan, despite serious congressional reservations about the character of that country's current government. It appears that the inclusion of aid for Pakistan was one of the bargaining chips in passage of the bill, a factor in the willingness of some Members to approve the overall foreign assistance bill. The record is replete with statements emphasizing that the aid bill was not a "giveaway" but represented an investment in U.S. security, and the executive branch worked especially hard to assure congressional support because it considered passage of the foreign aid bill essential to achieve a key part of its "strategic consensus."

At the same time, the Congress showed its power in respect to the language permitting a restoration of U.S. assistance to Pakistan. First of all, it did not give blanket flexibility to the administration concerning the prohibitions of section 669 but limited such relief specifically to Pakistan and for the period of the proposed 6-year aid package only. Moreover, it added new constraints that related to specific concerns about Pakistan's nuclear program and strongly reiterated the consequences of any future steps by Pakistan in the direction of nuclear proliferation. It gave the President greater flexibility in reconciling U.S. nonproliferation and security objectives, but also provided itself with a firm check on the executive branch.

[22] Public Law 97–113, Dec. 29, 1981.

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CONGRESS AND EL SALVADOR*

Overview

During 1981 the Congress supported President Reagan's provision of increased military and economic assistance to the civilian-military junta facing guerrilla warfare in El Salvador, but it insisted on placing explicit conditions on the aid to insure that congressional concerns were taken into account. With the initial options of banning all aid to El Salvador, as proposed by a segment of Congress, or of approving unrestricted aid to El Salvador, as urged by the administration, the Congress adopted a compromise. It approved the increased aid requested by the administration, while requiring a presidential certification that the Salvadoran Government was improving the human rights conditions in the country, was continuing the political and economic reforms, and was seeking a political resolution of the conflict.

Some observers argued that congressional opposition to U.S. policy in El Salvador and the insistence on conditions had the effect of restraining the administration, forcing it to keep military advisers out of combat areas, to emphasize economic assistance and reforms, and to modify the tone of the policy by stressing junta-held democratic elections. Others argued that the certification requirement had been an inadequate mechanism to modify administration policy, especially after President Reagan made the first congressionally-required certification on January 28, 1982, despite several reports on continuing human rights violations.

Background

The provision of U.S. military and economic aid to the various governments in El Salvador has been controversial in Congress for the last several years. The central debate has focused on the nature of the regime and whether or not the United States should be associated with it.

In the early years of the Carter administration, the United States provided no military assistance and approximately $10 to $15 million per year in economic assistance to the government of General Carlos Humberto Romero. This position was taken on the grounds that the Romero government represented a continuation of the military-elite alliance that had controlled Salvadoran politics for more than 30 years partly by repressing some emerging opposition forces and by manipulating the electoral results in 1972 and 1977 to prevent a victory by a coalition of parties dominated by the Christian Democrats. When congressional hearings were held in March 1977 [1] on alleged electoral and

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[1] U.S. Congress. House. Committee on International Relations. Subcommittees on International Organizations and on Inter-American Affairs. The Recent Presidential Elections in El Salvador: Implications for U.S. Foreign Policy. Hearings, 97th Cong., 1st sess., Mar. 9 and 17, 1977. Washington, U.S. Government Printing Office, 1977.

human rights abuses in the country, including the persecution of reform-minded clergy, El Salvador followed Chile, Argentina, Uruguay, Brazil, and Guatemala in refusing further military aid from the United States.

After the Sandinista victory in Nicaragua in July 1979, the Carter administration was particularly concerned about the mounting violence by rightwing and leftwing groups in El Salvador and the escalating killings attributed to Salvadoran security forces. It encouraged the Romero government to enact moderate reforms and to advance the presidential elections to contain the explosive situation.[2]

When junior military officers overthrew the Romero government in October 1979 and set up a civilian-military junta that promised extensive reforms, including land reform, the Carter administration welcomed the change. After the first junta collapsed, the military made a pact with the Christian Democratic Party in January 1980, and shortly thereafter the civilian-military junta launched extensive reforms, including a land reform and a banking reform. By March of 1980, important civilian supporters, including the social democratic MNR and the left wing of the Christian Democratic Party, had resigned, charging that the junta was unable to control security force repression. A short time later, these moderate left groups joined forces with the militant left "popular organizations" to create the Democratic Revolutionary Front (FDR) which became alined with the Farabundo Marti National Liberation Front (FMLN) guerrillas in the effort to topple the junta.

The Carter administration acted quickly to aid the civilian-military junta, arguing that it was preferable to the leftwing guerrillas or to rightwing forces associated with the Romero government.[3] Largely through reprogramings, approved or accepted by Congress, the administration provided $5.9 million in military assistance, $9.1 million in economic support funds (ESF), and $49.9 million in economic aid in fiscal year 1980 funds. It also requested $5.5 million in military assistance and over $20 million in economic assistance for fiscal year 1981. The military assistance package was particularly controversial in Congress, especially after Archbishop Romero wrote President Carter in February 1980 urging him not to provide U.S. military aid because it would increase the injustice and repression practiced by the Salvadoran security forces. In the end, the military assistance was approved with the understanding with the Senate Appropriations Committee that it was not to include any "lethal" military equipment.

Concern over U.S. aid to El Salvador mounted when Archbishop Romero was assassinated in March 1980, when leftists sponsored massive general strikes and seizures of buildings in June, July, and August, and when six key leaders of the Democratic Revolutionary Front (FDR) were murdered near San Salvador in November 1980. This concern peaked when four American churchwomen were killed in December 1980, and when the head of El Salvador's agrarian reform program

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[2] U.S. Congress. House. Committee on Foreign Affairs Subcommittee on Inter-American Affairs. Central America at the Crossroads. Hearings, 96th Cong., 1st sess., Sept. 11 and 12, 1979. Washington, U.S. Government Printing Office, 1979, pp. 5, 8.

[3] U.S. Congress. House. Committee on Foreign Affairs. Subcommittee on Inter-American Affairs. Assessment of Conditions in Central America. Hearings, 96th Cong., 2d sess., Apr. 29 and May 20, 1980. Washington, U.S. Government Printing Office, 1980, pp. 46–48.

and two U.S. advisers on agrarian unionization were killed in January 1981.

After the deaths of the U.S. nuns, the Carter administration suspended aid to El Salvador and sent a special delegation to the country to investigate charges that Salvadoran security forces were responsible for the murders. About two weeks later, after Christian Democratic leader Napoleon Duarte was named President of the junta in a major reorganization, the United States restored economic aid, but conditioned resumption of military aid on reduction in violence in the country and progress in the investigation of the murdered churchwomen. A month later, when FMLN guerrillas launched a "final offensive" on January 10, 1981. President Carter resumed the $5 million in "nonlethal" military aid. A few days later, he added another $5 million of emergency military assistance, under the provisions of section 506A of the Foreign Assistance Act, consisting of arms and ammunition and the leasing of six U.S. Army helicopters.[4]

The Central Debate in 1981 Over U.S. Support for the Civilian-Military Junta

As President Reagan took office in January 1981, the situation in El Salvador was changing dramatically, focusing public attention on the issue. While the civilian-military junta was headed by Christian Democrat Jose Napoleon Duarte, giving it a more moderate image, it was confronting for the first time a serious guerrilla offensive mounted by the FMLN guerrillas with the support of the FDR. Moreover, this was occurring at a time when U.S. public support for the junta was diminishing as a result of the killings of the U.S. nuns and agrarian advisers.

The Reagan administration immediately supported the Duarte-led junta in El Salvador and characterized the issue as a test case in the struggle against communism. After issuing a "white paper" in February to support its charges that the Salvadoran guerrillas were receiving military aid from Soviet bloc countries through Cuba and Nicaragua, it increased United States economic and military aid to the junta and sent three teams of high level envoys to brief European and Latin American leaders on what it saw to be "indirect aggression" against the country.[5] Using section 506A of the Foreign Assistance Act, President Reagan provided $25 million in emergency military assistance in March 1981, increasing the total of fiscal year 1981 military assistance from $10.4 million to $35.4 million. In addition, about 40 additional U.S. military advisers were sent to El Salvador to train the Salvadoran Armed Forces in counterinsurgency methods. Primarily by reprogramings, approved or accepted by Congress, the administration also significantly increased fiscal year 1981 economic assistance, providing a total of $33.3 million in developmental assist-

[4] U.S. Department of State. Bureau of Public Affairs. U.S. Assistance to El Salvador. May 1981 (Gist Series). Under the Special Authority of Section 506(a), the President, after determining that "an unforeseen emergency exists which requires immediate military assistance to a foreign country * * *" that cannot otherwise be provided, was permitted to provide emergency military aid of up to $50 million, later increased to $75 million, in any fiscal year.

[5] U.S. Department of State. Bureau of Public Affairs. "Communist Interference in El Salvador." Special Report No. 80, Feb. 23, 1981. Washington, 1981. When articles appeared in the Wall Street Journal and the Washington Post in June 1981 questioning the accuracy of the white paper, the State Department issued a detailed rebuttal that admitted some "misstated detail" but reaffirmed the main conclusions.

ance, $26.3 in Public Law 480 aid, and $44.9 million in economic support funds during the fiscal year. Simultaneously, the administration requested $26 million in military assistance, $40 million in ESF funds, and $51.1 million in economic assistance for fiscal year 1982.

THE BASIC APPROACHES

Within Congress, opinion was sharply divided on aid to El Salvador. One sector of the Congress was alarmed by the evidence of Soviet support for insurgency in a traditional region of U.S. security concern and was fully prepared to support the Reagan administration efforts to aid the Salvadoran Government. This sector argued that the alternative would be a Communist-style government that, in concert with Nicaragua and other militant guerrilla movements aided by Cuba, would pose a security threat to the rest of Central America and to the United States.

Critics within Congress argued that the Duarte government was a captive of the military and rightwing groups responsible for killing thousands of people, including American nuns and agrarian experts. Fearing that military involvement by the United States would draw the country into a Vietnam-type quagmire, these critics tried to block United States aid to El Salvador. They argued that consultation was required under the War Powers Act prior to the introduction of U.S. troops into a situation of imminent hostilities, and that the provision of military assistance to El Salvador was contrary to law since the Salvadoran Government was consistently pursuing a policy of gross violation of internationally accepted human rights. They tried to block future administration action in support of the Salvadoran junta by denying authorization or appropriations for fiscal year 1982 foreign assistance.

Early in the Congress, Representative Gerry Studds introduced H.R. 1509 in the House, and Senator Edward Kennedy introduced S. 720 in the Senate to prohibit military aid and sales to El Salvador. About the same time, Representative Michael Lowry submitted House Concurrent Resolution 67 to support a negotiated settlement of the conflict, while Representative Richard Ottinger introduced House Concurrent Resolution 87 which called upon the President to comply with the War Powers Resolution in connection with the sending of additional military advisers to El Salvador.

Over the next few months an extensive debate was carried out on the floors of the House and Senate and in hearings held by the Foreign Affairs and Appropriations Committees.[6] At several of these hearings, former Ambassador to El Salvador Robert White, who had been relieved by the Reagan administration, expressed opposition to continuing military aid to El Salvador on grounds that the leftists' "final offensive" had failed. He called for a political solution to the conflict through negotiations between the Duarte-led junta and the Democratic Revolutionary Front [FDR]. Public opinion in opposition to Reagan administration policy also appeared to be mounting when a Gallup poll showed in March 1981 that only half of those familiar with United States policy toward El Salvador supported the

[6] See congressional publications listed at the end of this chapter.

President's handling of the issue, and only 2 percent of the public favored the sending of United States troops to El Salvador.

In early April a compromise position emerged when Representatives Bingham and Solarz introduced H.R. 3009 in the House, and Senator Dodd introduced a similar measure—S. 869—in the Senate. These measures would have authorized the military assistance and sales to El Salvador requested by the President, but only so long as the President could certify every 6 months that the Salvadoran Government was pursuing the investigation of the murdered nuns; was improving the human rights record by controlling indiscriminate violence by the armed forces; was committed to land reform and early elections; and was seeking a political resolution to the conflict in the country. This was conceived as a measure to give the United States the leverage to insure that U.S. assistance was being used for appropriate purposes, while giving President Duarte the ability to demand the termination of security force violence. In the event that the President was unable to make the required certification, aid to El Salvador would cease.

HOUSE ACTION

The first congressional test of administration policy toward El Salvador came when the Inter-American Affairs Subcommittee of the House Foreign Affairs Committee considered the fiscal year 1982 foreign aid authorization bill on April 1, 1982. The subcommittee rejected by a 4–4 vote an amendment by Representative Gerry Studds to prohibit military aid to El Salvador and an amendment by Chairman Michael Barnes to withdraw all United States military advisers from El Salvador. It then rejected by a 4–4 vote the Bingham-Solarz amendment requiring a semiannual certification by the President on the improvement of conditions in El Salvador. Instead the subcommittee approved an amendment proposed by Representative Dan Mica, with the support of the administration, stating the "sense of Congress" that aid to El Salvador should be used to encourage full respect for human rights, continued progress in implementing essential economic and political reforms, a full investigation of the murders of the U.S. nuns, and free and open elections at the earliest possible date.[7]

When the full Foreign Affairs Committee considered the foreign aid authorization bill on April 29, 1981, essentially the same amendments were presented, but the outcome was slightly different. Representative Studds' amendment to prohibit military aid and sales to El Salvador was defeated by a 9–22 vote, and Representative Barnes' amendment to withdraw all United States military advisers from El Salvador was rejected by a 11–19 vote. Most of the discussions focused on the Bingham-Solarz amendment to set conditions on military aid to the country. The sponsors of the amendment pointed out that the certification requirement was very similar to the conditions placed on aid to Nicaragua the previous year and asked for approval for the sake of consistency. Opponents countered that the amendment was

[7] U.S. Congress. House Committee on Foreign Affairs. Subcommittee on Inter-American Affairs. Foreign Assistance Legislation for Fiscal Year 1982 (Part 7). Hearings and Markup. 97th Cong., 1st sess., Mar. 23, 26, 30, and Apr. 8, 1981. Washington, U.S. Government Printing Office, 1981, pp. 247–256.

considerably stronger since it contained a legislative veto provision which permitted the Congress, by adopting a resolution of disapproval in both houses, to disapprove the President's certification and thereby terminate aid to El Salvador. Faced with opposition to the legislative veto provision, the authors agreed to delete that section of the amendment. In modified form the Bingham-Solarz amendment requiring a semiannual Presidential certification for the continuation of aid to El Salvador passed by a vote of 26–7, demonstrating widespread support for the measure on the committee.[8]

With little debate, the House passed the foreign aid authorization—H.R. 3566—on December 9, 1981, containing the committee-recommended conditions on military aid to El Salvador requiring the President to certify improvement by the Salvadoran Government in several specified areas. It also passed two related amendments expressing the sense of Congress that economic assistance to El Salvador should emphasize revitalization of the private sector, and that Salvadoran refugees in the United States should be granted extended voluntary departure status until they could safely return to El Salvador.

SENATE ACTION

The Senate Foreign Relations Committee reported out in Senate Report 97–83 the Senate version of the foreign aid authorization bill—S. 1196—on May 15 with conditions on aid to El Salvador almost identical to those passed by the House Foreign Affairs Committee.

Several months later, the Senate, on September 24, 1981, voted 51 to 47, following a 54 to 42 vote the previous day, to approve a slightly softened version of the committee-recommended conditions on military aid to El Salvador, and rejected an administration-backed amendment by Senators Lugar and Helms to change the conditions into a series of nonbinding goals for the Salvadoran Government. The measure would have authorized military aid to El Salvador only if President Reagan certified 30 days after enactment and every 6 months thereafter that the Salvadoran Government, "to the extent not precluded by forces outside its control," was making progress to reduce human rights abuses, control the indiscriminate terror by the armed forces, implement essential political and economic reforms, including land reform, and hold early elections and negotiate a political resolution of the conflict with any group that renounces violence.

When the Senate completed action on the foreign aid bill on October 22, 1981, it included two other provisions dealing with El Salvador. One provision, proposed by Senator Hatfield, required the administration to report to Congress within 90 days after enactment on the viewpoints of democratic Latin American states, European allies, Canada, and all major Salvadoran actors regarding the potential for a political resolution of the conflict in El Salvador. It also expressed the sense of the Senate that the President should appoint a special envoy to consult with and gather information from the appropriate parties on this issue. The other provision, proposed by Senator Percy as a substitute for an amendment by Senator Helms that prohibited the use

[8] U.S. Congress. House. Committee on Foreign Affairs. Foreign Assistance Legislation for Fiscal Year 1982 (Part 9). Markup, 97th Cong., 1st sess., Apr. 28, 29, 30 and May 5–7, 12–13, 1981. Washington, U.S. Government Printing Office, 1981. pp. 13, 38–81, 325.

of United States funds in the land reform program, provided that United States funds would not be used to provide compensation for expropriated property in El Salvador.

CONFERENCE ACTION

The Senate and the House approved the compromise conference report—House Report 97-413—on S. 1196 on December 15 and 16, 1981, with five provisions dealing with El Salvador. Section 727 retained the House provision expressing the sense of the Congress that economic assistance to El Salvador should emphasize revitalization of the private sector. Section 728 retained with slight modifications the conditions on military aid to El Salvador passed by both houses. These required the President to certify that the Salvadoran Government: (1) was making a concerted effort to comply with internationally recognized human rights, (2) was achieving substantial control over the armed forces committing acts of indiscriminate terror, (3) was making continued progress on economic and political reforms, (4) was committed to free elections at an early date with all groups willing to implement an equitable political solution in the country, and (5) was investigating the murders of the U.S. citizens.

Section 729 retained the Senate provision requiring a report to Congress on the views of Salvadoran factions and United States allies on the potential for a political resolution of the conflict. Section 730 retained the Senate provision prohibiting the use of United States assistance to compensate for expropriated or confiscated property in El Salvador. Section 731 modified the House-passed provision calling for extended voluntary departure status for Salvadoran refugees by stating the sense of Congress that the administration should review on a case-by-case basis petitions for extended voluntary departure status by Salvadorans claiming that they would be subject to persecution if they returned to El Salvador.

President Reagan signed the measure into law—Public Law 97-113—on December 29, 1981.

Specific Areas of Concern

The following section analyzes the various areas of concern relating to El Salvador. It demonstrates that the legislation passed in 1981 reflected a variety of sometimes divergent and contradictory currents of thought and opinion, with the result that the legislative guidance for policymakers was not entirely clear.

WAR POWERS RESOLUTION [9]

When the Reagan administration dispatched additional military advisers to El Salvador in early March 1981, characterizing the conflict as a case of indirect aggression by Soviet-bloc countries, many Members of Congress feared that the country was heading down a path

[9] See U.S. Library of Congress. Congressional Research Service. War Powers Resolution: Presidential Compliance. Issue Brief No. 8 050, by Ellen C. Collier; and U.S. Congress. House. Committee on Foreign Affairs. The War Powers Resolution—A Special Study of the Committee on Foreign Affairs. Washington, U.S. Government Printing Office, 1982, pp. 248-254, 279-280, for the congressional action and the administration responses mentioned in this section.

similar to the one taken in Vietnam when large-scale United States troop involvement was preceded by the dispatch of United States military advisers. Some of them turned to the War Powers Resolution, which Congress passed in 1973, toward the end of the Vietnam War, to assure that any future U.S. participation in hostilities would require congressional authorization.[10]

The War Powers Resolution requires the President to consult with Congress before introducing U.S. Armed Forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances" [sec. 3]. It also requires him to report any introduction of U.S. forces into hostilities or imminent hostilities (sec. 4(a)(1) or any introduction of U.S. forces in foreign territory "while equipped for combat" [sec. 4(a)(2)], or while acting "to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged in hostilities" [sec. 8(c)]. Once a report is submitted or "requested to be submitted" under section 4(a)(1), the Congress must authorize the action within 60 to 90 days or the President is required to withdraw the troops.

Almost immediately after the dispatch of additional advisers, some Members of Congress raised the question of presidential compliance with the War Powers Resolution. On March 3, 1981, Congressman Ottinger and 44 other Members sent President Reagan a telegram expressing concern about the action and calling for compliance with the War Powers Resolution. Simultaneously, Senator John Glenn argued that the administration had failed to consult the Senate adequately before the decision and might be in violation of the resolution, while Chairman Michael Barnes of the House Subcommittee on Inter-American Affairs complained that the action was taken "without any consultation with Congress" except a perfunctory notification 2 hours prior to the formal State Department announcement. On March 4, 1981, Representative Ottinger and 37 cosponsors introduced House Concurrent Resolution 87 calling on the President to submit a report under the War Powers Resolution, and a few days later, on March 17, 1981, Senator Eagleton called for both consultation and reporting in compliance with the War Powers Resolution.

The Reagan administration, in a variety of memoranda, argued that the dispatch of military personnel to El Salvador did not trigger the requirement for consultation or reporting under the War Powers Resolution. Among the arguments were (1) that the U.S. military personnel were not being introduced into hostilities or situation of imminent hostilities since they would not act as combat advisers and would not accompany Salvadoran forces in combat or operational patrols but would act solely as trainers to Salvadoran personnel who would come to the training centers; (2) that hostilities within the meaning of the War Powers Resolution would include any armed confrontation between opposing forces involving an exchange of fire with conventional or guerrilla forces, but would not apply to "irregular or infrequent violence, such as sporadic terrorists attacks, which happen to occur in a particular area"; and (3) that the specified military personnel were not "equipped for combat" and would carry only personal sidearms to be used solely for self-defense.

[10] Public Law 93–148.

While the administration denied any immediate responsibility to consult or to report, it pledged that in the event that circumstances raised the prospect of imminent involvement of U.S. personnel in hostilities, it would comply with the requirements of the War Powers Resolution.

When a related question was raised about section 21(c)(2) of the Arms Export Control Act requiring a report to Congress within 48 hours after the outbreak of "significant hostilities involving a country in which United States personnel are performing defense services," Secretary Haig agreed to supply periodic reports. Since the reports were not filed under section 4(a)(1) of the War Powers Resolution, however, the mechanism for a legislative veto was not triggered.

Determined to defend their view of congressional prerogatives, 11 Representatives, on May 1, 1981, filed a lawsuit against President Reagan (*Crockett et al.* v. *Reagan et al.*, Civil Action No. 81–1034 in the U.S. District Court for the District of Columbia) charging that the sending of military advisers to El Salvador violated the Constitution, human rights legislation, and the War Powers Resolution. Eventually there were 29 coplaintiffs in the case, demanding that the executive branch comply with the consultation and reporting requirements of the War Powers Resolution. On June 18, 16 Senators and 13 Representatives filed a motion to intervene, contending that the judicial branch should not interfere in a situation where legislators could vote to terminate military assistance to El Salvador if they wished. This court test of the consultation and reporting requirements under the War Powers Resolution was still pending at the end of 1981.

The War Powers Resolution appears to have posed a restraint on administration policy, forcing it to insure that U.S. military personnel in El Salvador were not armed for combat and were not accompanying forces engaged in combat. Nevertheless, congressional concern about U.S. involvement in El Salvador remained high. Shortly after three U.S. military advisers were videotaped carrying M–16 rifles and other combat equipment in a guerrilla-contested area in El Salvador in February 1982, Senator Robert Byrd introduced S. 2179 and Congressman Ottinger introduced H.R. 5832, both of which would amend the War Powers Resolution to prohibit the introduction of U.S. Armed Forces into El Salvador for combat unless Congress had previously authorized the action, or such action was necessary to meet a clear and present danger to the United States or to evacuate U.S. citizens.

HUMAN RIGHTS AND THE MURDERS OF U.S. CITIZENS

Critics of U.S. policy in El Salvador were particularly concerned about the fact that many human rights abuses, including the killing of the U.S. churchwomen in December 1980, were attributed to Salvadoran security forces. They feared that President Duarte was a captive of the extremist groups within the military that permitted the indiscriminate killing of innocent individuals to continue. Taking the killing of the U.S. nuns and the two agrarian experts as the most prominent example, these critics were determined to press for a full scale investigation of the murders.

Reflecting this sentiment, Representative Mary Rose Oakar, from

the Ohio district of the two slain nuns, introduced H. Res. 112 on March 19, 1981, calling upon the President to (1) demand that El Salvador investigate the murders of the four U.S. missionaries and two U.S. labor representatives; (2) instruct the FBI to take a role in investigating the murders; (3) report regularly to Congress on the investigations; and (4) warn El Salvador that U.S. assistance to the country may be terminated if these investigations are not satisfactorily resolved. While no action was taken on this resolution, eventually it had 40 cosponsors.

When the foreign affairs committees of the House and the Senate approved conditions on aid to El Salvador in April and May 1981, three of the conditions were related to human rights or the killing of the U.S. nuns. The President was required to certify (1) that the Salvadoran Government was not engaged in a consistent pattern of gross violation of internationally recognized human rights, (2) that it had achieved substantial control over security and armed forces' abuses, and (3) that it was making good-faith efforts to determine the responsibility for the murders of the four nuns and two agrarian reform experts. At about the same time, House Members filed the suit mentioned above, *Crockett* v. *Reagan*. One of the grounds was that military assistance to El Salvador violated section 502B of the Foreign Assistance Act which prohibits military assistance to any government which "engages in a consistent pattern of gross violations of internationally recognized human rights."

Throughout the year the arrest of suspects in the murders of American citizens, the alleged massacre of refugees in the Lempa River, and the reported killing of civilians by the Treasury Police in the Soyapango suburb of San Salvador were closely followed in Congress. When President Duarte visited the United States in September 1981 to gain support for his government, he met with relatives of the murdered nuns and assured them that the investigation was continuing. He also indicated that over 600 National Guardsmen had been dismissed for human rights abuses and that 64 were in prison for offenses. However, by the end of the year, neither the suspects in the murders of the agrarian experts nor the six National Guardsmen in custody in connection with the murder of the nuns had been formally charged. On December 2, 1981, 1 year after the murder of the nuns, the Senate passed Senate Resolution 250 proposed by Senator Kennedy which expressed "deep concern over the failure of the Government of El Salvador to bring to justice those responsible for the numbers of the six Americans," urged the Government to "use every legal means available to bring about a just and expeditious resolution of these cases," and welcomed the Government's recent request for technical assistance from the FBI in carrying out the investigations.

When President Reagan signed the foreign aid authorization act into law on December 29, 1981, with its conditions on aid to El Salvador, many Members of Congress doubted that the certification could be made. These doubts increased when the American Civil Liberties Union and the Americas Watch Committee issued a report on January 26, 1982, charging the Salvadoran Government with responsibility for a systematic denial of human rights, including the killing of 12,501 persons in 1981, and urged President Reagan not to make the required

certification.[11] Nevertheless, on January 28, 1982, 30 days after enactment, the President found that the Government had met the human rights conditions. Since the paramilitary organization known as ORDEN had been disbanded, a code of conduct had been adopted for the military, and the statistics compiled by the U.S. Embassy in San Salvador indicated "a declining level of violence over the past year and a decrease in alleged abuses by security forces." [12] With regard to the cases of the murdered U.S. citizens, the certification found that the Government was making a good faith effort, particularly after a reinvigoration of the investigation with FBI assistance in early December 1981, to determine responsibility for the murders of the U.S. nuns.

The President's certification was strongly criticized by a number of Congressmen for lacking credibility,[13] and Congressmen Studds and Harkin introduced House Joint Resolution 399 on February 2, 1982, with 31 cosponsors, to declare the President's certification to be null and void and thereby terminate military aid to El Salvador.

NEGOTIATED POLITICAL SETTLEMENT

When President Reagan significantly increased military aid to El Salvador in February 1981, critics claimed that he was seeking a military victory for an unpopular regime. In their view, a negotiated political settlement, following the Zimbabwe model, might be attainable with much less bloodshed and without strengthening the Salvadoran military. They contemplated negotiations between the Duarte-led junta and the Democratic Revolutionary Front (FDR) alined with the Farabundo Marti National Liberation Front (FMLN) guerrillas which would lead to some sort of internationally supervised election to determine the future government in El Salvador.

This formula was urged for a number of reasons. In the first place, it would resolve the knotty problem of legitimacy since neither the Duarte-led junta nor the FDR–FMLN had a clear claim to popular support. Duarte was the leader of the popular Christian Democratic Party and he was widely regarded as the undeclared winner of the fraudulent 1972 Presidential elections, but he was President of the junta as a direct result of the October 1979 military coup. The FDR–FMLN, on the other hand, was linked to the so-called "popular organizations" that had shown considerable popular support through mass demonstrations and general strikes in 1979 and 1980. The FDR included the leftwing of the Christian Democratic Party as well as the social democratic National Revolutionary Movement (MNR) and was headed by Guillermo Ungo, a member of the first junta established in October 1979, who had been the Vice Presidential candidate with Duarte in the 1972 elections.

Proponents of negotiations also felt that if a formula for internationally supervised elections could be developed providing some security for candidates of the left and right, the effect would be to isolate and control the extreme rightists associated with the junta as well as

[11] American Civil Liberties Union and Americas Watch Committee. Report on human rights in El Salvador—January 1982. Washington, Center for National Security Studies, 1982.

[12] See Congressional Record, daily edition, Feb. 2, 1982, pp. E163–164 for the justification accompanying the Presidential determination.

[13] For critiques of the Presidential certification, see Congressional Record, daily edition, Feb. 2, 1982, pp. E168–170; and Feb. 8, 1982, pp. E285–289.

the extreme leftists linked with the FDR–FMLN. Finally, they felt that there was some chance for success in negotiations since the Christian Democrats had been associated previously with MNR and the UDN, two parties alined with the FDR, in the National Opposition Union coalition that contested the 1972 and 1977 elections.

In October 1980 the civilian-military junta had accepted the mediation of the Catholic Church in a proposed "dialogue" with the leftist groups, but the FDR–FMLN rejected the offer, charging that the junta, with U.S. assistance, was responsible for a new wave of repression in the country. A few months later, in March 1981, the FDR–FMLN leaders indicated a willingness to talk to the United States and raised no objection to Socialist International efforts to have Willy Brandt attempt to mediate the conflict. This time, however, the junta rejected the mediation offer and launched a plan for junta-held elections for a constituent assembly in 1982.[14]

From that time on, two formulas competed for acceptance: First, a negotiated settlement between the junta and the FDR–FMLN in which the two parties would establish the conditions for internationally supervised elections, and second, a formula for junta-led elections which called upon the leftist opposition to lay down their arms and to compete in the electoral process.

When the foreign affairs committees adopted conditions on aid to El Salvador in April and May of 1981, the House committee seemed to favor the first formula while the Senate committee favored the second. The House version required the President to certify that the Salvadoran Government had demonstrated a "willingness to negotiate with opposition groups an equitable political resolution of the conflict." The Senate version required a demonstrated "willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity."

In mid-July 1981, Assistant Secretary of State Enders supported junta-held elections when he gave a major speech calling for a political solution through democratic elections with broad participation, possibly facilitated by the United States, by "all non-violent political groups, whatever their relationship to the current government."

In the late summer and early fall, after a period of quiescence, the FMLN guerrillas launched renewed attacks, some directed at the infrastructure of the country, knocking out much of the nation's electricity and the key Oro Bridge linking the eastern third of El Salvador to the rest of the country. About that time, Mexico and France issued a declaration in August recognizing the FDR–FMLN opposition as "representative political forces" that should be included in negotiations to find a political solution to the conflict in the country. Later, in early October, in a proposal presented to the United Nations by Nicaragua, the FDR–FMLN offered to enter into unconditional negotiations with the Duarte government to end the conflict.

Responding to these events, the Duarte government rejected negotiations and in September 1981 called on all duly constituted parties,

[14] See U.S. Library of Congress. El Salvador—From 1931 to the March 1982 Elections: A Chronological Study of Politics, Parties, and Conflicts. Typed Report, by K. Larry Storrs, Mar. 23, 1982. Washington, 1982, for an accounting of various efforts to promote a negotiated political solution.

including the social democratic MNR and the Communist UDN and any other parties that wished to form, to participate in elections for a constitutent assembly in March 1982. The FDR-FMLN refused to participate in the junta-held elections, citing the military's traditional manipulation of the electoral process, the killing of the FDR leaders in November 1980, and the continuing state of siege as evidence that appropriate conditions did not exist for free elections.

Within Congress, support for some sort of political solution to the conflict appeared to be mounting. When the Senate completed action on the foreign aid authorization bill in October 1981, it passed the Hatfield amendment urging the President to appoint a special information-gathering envoy. The amendment also required a report to the Congress within 90 days on the viewpoints of all major Salvadoran political factions and U.S. allies regarding the potential for a negotiated settlement of the conflict. In the House, Congressman Yatron introduced House Concurrent Resolution 197 which urged the President to press for a "negotiated settlement" in El Salvador. A modified version (H. Con. Res. 226) calling for the President to press for "unconditional discussions" among the major political factions was passed by the House Foreign Affairs Committee in November 1981, and was passed by the House on a 396–3 vote on March 2, 1982. Neither of these efforts was opposed by the administration, in part because Duarte's efforts to draw the leftist parties into the elections could be seen as meeting the legislative mandates.

When House-Senate conferees considered the foreign aid authorization bill in December 1981, they had to reconcile the House language requiring certification of the Salvadoran Government's "willingness to negotiate with opposition groups an equitable political resolution of the conflict" with the Senate language requiring negotiations with "groups that renounce and refrain from further military or paramilitary opposition activity." The conference compromise, adopted by both Houses in December, required the President to certify that the Salvadoran Government "is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to (1) a renouncement of further military or paramilitary activity, and (2) the electoral process with internationally recognized observers." [15] While this compromise formulation clearly substituted "discussions" for "negotiations," it still left some doubt about whether the Duarte-led junta was required to enter into discussions with the FDR–FMLN opposition as urged by some legislators. Chairman Michael Barnes of the Inter-American Affairs Subcommittee explained his interpretation to the House, on December 16, 1981, that the provision would mandate a change in U.S. policy by requiring the Duarte government to open discussions with the left in order to obtain U.S. military assistance:

> This is perhaps the most important condition, in that it reverses the fundamentally mistaken aspect of the administration's policy which precludes a political settlement of the conflict by opposing talks unless the left gives up and lays down its arms. Under this language, the Government of El Salvador could

[15] See conference report on S. 1196 (H. Rept. 97–413), pp. 85–86.

receive no further military assistance from the United States if it refused to enter into discussions with the left, so long as the left declared that it was willing to seek a political solution, and that the political solution would involve an end to violence and elections.[16]

If this interpretation had prevailed, the Congress would have played a major role in modifying administration policy in the direction of a negotiated political solution. However, when President Reagan made the first certification on January 28, 1982, the requirement for discussions with the left was neglected. Focusing almost exclusively on the question of elections, the certification stated that the Duarte government had made a clear commitment to free and fair constituent assembly elections in March 1982, and had invited all parties that renounce violence to participate in the elections. On the other hand, the certification said, the FMLN–FDR had "denounced the elections and rejected the government's standing invitation to join in a discussion of electoral issues," and had maintained that "any elections must be preceded by negotiations between the government and all elements of the FMLR–FDR resulting in a restructuring of the government and the military." [17]

Reflecting congressional displeasure at President Reagan's refusal to deal with the requirement for discussions with the left, as well as continuing disagreement with administration policy, Congressman Studds and Harkins introduced House Joint Resolution 399, on February 2, 1982, to declare the certification null and void. A few days later, Senators Dodd and Tsongas and Representatives Barnes and Solarz introduced similar measures (S.J. Res. 144 and H.J. Res. 405), on February 10, 1982, calling upon the President to seek an internationally supervised cease-fire in El Salvador and a negotiated political solution to the conflict in the country.

LAND REFORM AND PRIVATE SECTOR REVITALIZATION

The Christian Democratic Party joined the civilian-military junta in El Salvador in January 1980 only after the military accepted certain conditions, including agreement that an extensive agrarian reform would be carried out quickly, and that representatives of private enterprise would be excluded from the junta. Considered to be a reformist and antioligarchical party on the basis of its electoral campaigns throughout the seventies, the Christian Democrats were convinced that fundamental reforms were essential, and they seized upon the rare moment when the military leaders of the October 1979 coup were in agreement to launch their program.

Within months the junta announced a massive agrarian reform, nationalization of the banks, and government control of exports as a way to break the overwhelming control of the powerful landed oligarchy. Under phase I of the agrarian reform, announced in March 1980, about 376 estates larger than 1,235 acres were to be taken over, with military assistance, to be comanaged by the government's Institute for Agrarian Transformation until titles could be granted to private farmers or cooperatives. Under phase II, to be implemented later, properties ranging in size from 247 to 1,235 acres were to be taken

[16] Congressional Record, daily edition, Dec. 16, 1981, p. H9750.
[17] Congressional Record, daily edition, Feb. 2, 1982, p. E164.

over. And under the phase III, "Land to the Tiller" program, announced on an emergency basis in April 1980 (Decree 207), about 150,000 families renting or sharecropping farms of less than 100 hectares were to be given immediate possession of the farmed land, with the former owners being compensated partly in cash and partly in bonds.

Not surprisingly, the various reforms were controversial in El Salvador and in the United States. From the left they were attacked as inadequate and as a cover for repression since many landless peasants would not benefit from the reforms, some of the best coffee lands would not be touched until phase II was implemented, and many peasants had been evicted from their lands when they attempted to make a claim under the "Land to the Tiller" program. From the right the reforms were attacked as unworkable projects, contrary to free enterprise and Salvadoran tradition, that were being imposed by the Christian Democrats and the United States without adequate discussion and input from affected Salvadoran groups. Within El Salvador, business and landowner groups were particularly critical of the Christian Democrats' "communitarian" ideas and the exclusion of the private sector from the governing junta. They pressed for the payment of compensation to the owners of lands affected by the agrarian reform, and for other measures to reestablish the confidence of the private sector.

Within the U.S. Congress, a similar range of opinion about the reforms was evident in hearings and speeches from the floor. Some saw the reforms as radical and Marxist-oriented, while others argued that the reforms were an essential element to win the support of the peasants and to undercut the guerrilla's appeal. Reflecting doubt about the wisdom of the program, the Senate, on June 17, 1980, a few months after the announcement of the reforms, passed with little discussion an amendment to the foreign aid authorization bill for fiscal year 1981, proposed by Senator Helms, that prohibited U.S. assistance to El Salvador "for the purpose of planning or executing the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or the properties or stock shares which may be pertaining thereto." [18] House-Senate conferees modified this amendment slightly, in accordance with section 620(g) of the Foreign Assistance Act, to prohibit U.S. aid "for the purpose of planning for compensation, or for the purpose of compensation" in connection with the expropriation or nationalization of agricultural or banking enterprises in El Salvador.[19] In this form, the amendment became law (Public Law 96–533) in December 1980, with the approval of both Houses and the President.

During 1981 the wisdom and effectiveness of the reforms continued to be debated, particularly in hearings before the House Foreign Affairs Subcommittee on Inter-American Affairs [20] and the House Ap-

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[18] Congressional Record, daily edition, June 17, 1980, part I, pp. S7190–S7194; and part II, pp. S7195–S7201.

[19] Conference Report on H.R. 6942, International Security and Development Cooperation Act of 1980 (H. Rept. No. 96–1471), pp. 68–69.

[20] U.S. Congress, House Committee on Foreign Affairs, Subcommittee on Inter-American Affairs. U.S. Policy Toward El Salvador. Hearings, 97th Cong., 1st sess., Mar. 5 and 11, 1981. Washington, U.S. Government Printing Office, 1981.

propriations Subcommittee on Foreign Operations.[21] At these hearings, administration witnesses and representatives from the American Institute for Free Labor Development strongly supported the reforms, while critics pointed out shortcomings, and representatives from Salvadoran business offered comments on needed measures to support the private sector.

Apparently convinced of the need for reforms in El Salvador, the Foreign Affairs Committees of the House and Senate approved conditions on aid to El Salvador in April and May of 1981 that required the President to certify that the Salvadoran Government was "making continued progress in implementing essential economic and political reforms, including the land reform program." Without modification, this provision was included among the required conditions passed by both Houses in December 1981.

Other Members of Congress were concerned about implementation of the agrarian reform and were determined to encourage the private sector in El Salvador. Chairman Clarence D. Long of the Appropriations Subcommittee on Foreign Operations wrote to Secretary Haig on May 14, 1981 to support various reprogramings for El Salvador. He indicated that the subcommittee was concerned about the delay in compensating the previous owners of land, the slow pace in providing titles to newly created landowners or cooperatives, and the tendency of AID to favor the larger cooperatives established under phase I of the program at the expense of Decree 207 landholders in the provision of credits and related support. He asked that the subcommittee be given monthly reports on progress in compensation and titling, as well as a report on the feasibility of individual as opposed to cooperative ownership of phase I lands.[22]

Several months later, on August 5, 1981, Representative Kent Hance and 40 cosigners sent Secretary Haig a letter that expressed concern about the "failure of the Salvadoran Government to utilize the talents and resources of the private sector." It expressed admiration for the strong private sector in the country and urged the Secretary "to make it clear to the Salvadoran Government, which is receiving so much assistance from the United States, that we in Congress expect them to open the Government to the participation of the business sector" and to do "everything they can to support a free market economy and a viable private enterprise."[23] When the House considered the foreign aid authorization bill in December 1981, Representative Hance proposed an amendment, subsequently passed, to state the sense of the Congress that "U.S. economic assistance to El Salvador should put emphasis on revitalizing the private sector and supporting the free market system."[24]

Arguing strongly against the agrarian reform in El Salvador, Senator Helms proposed a lengthy amendment in October 1981 which he said "would get the United States out of supporting land reform in El Salvador in any way, shape or form." After offering an extensive

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[21] U.S. Congress. House. Committee on Appropriations. Subcommittee on Foreign Operations and Related Agencies. Foreign Assistance and Related Programs Appropriations for Fiscal Year 1982--Part 1 (El Salvador). Hearings. 97th Cong., 1st sess., Feb. 25, Mar. 24, Apr. 29, 1981. Washington, U.S. Government Printing Office, 1981.

[22] Congressional Record, daily edition, Oct. 28, 1981, p. S12324.

[23] Congressional Record, daily edition, Dec. 9, 1981, pp. H9031–H9032.

[24] Ibid., pp. H9031–H9033.

critique of both the Carter and the Reagan administrations for supporting agrarian reform in El Salvador,[25] he called for more development assistance for the private sector. After limited discussion, the Senate adopted a substitute amendment proposed by Senator Percy that restated the previous year's prohibition on the use of U.S. funds "for the purpose of planning for compensation, or for the purpose of compensation" in connection with the agrarian reform.

This put the United States in the somewhat anomalous position of requiring that the Salvadoran Government continue to implement the agrarian reform program, while refusing to permit U.S. assistance to be used to provide compensation to former owners affected by the reform.

Effect of Congressional Action

Congressional action relating to El Salvador during 1981 generally supported the administration policy toward that country. Despite the serious misgivings of a sizable section of the Congress, a majority of Members were willing to support administration efforts to provide increased military and economic assistance to the Duarte-led junta, but they insisted upon requiring the President to certify that the Salvadoran Government had made progress in certain areas of congressional concern. The conditions on aid posed some constraints upon the administration, but the wording of many of the provisions was such that few legislators doubted when the conditions were passed that the administration would make the required certification, particularly since only 30 days would elapse before the first certification was due. While certain Members felt that the condition requiring discussions with the left would open the way for a negotiated political settlement, the administration took a different interpretation of the provision and maintained its unequivocal support for junta-held elections on March 28, 1982. When a rightist majority emerged from those elections, with less commitment to the agrarian and other reforms, it raised questions about the level of congressional support that would be forthcoming in 1982, particularly since the Congress could hold the foreign aid authorizations hostage to the second certification which was due on July 28, 1982.

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